

75968

CASE NUMBER AP-75,968  
TRIAL COURT NUMBER F-07-50318-M

**BINDER 11 OF 11 BINDERS**

*VOLUME 59*  
*DEFENSE'S EXHIBITS 1 THROUGH 65*

STATE OF TEXAS

VS

WESLEY LYNN RUIZ

**FILED IN**  
**COURT OF CRIMINAL APPEALS**

**JUN 15 2009**

**Louise Pearson, Clerk**

A P P E A R A N C E S

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State Bar No. 00787131

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State Bar No. 21397900

FOR THE STATE OF TEXAS

*Belinda G. Baraka, Official Court Reporter*  
*214-653-5803*

A P P E A R A N C E S

HON. ' PAUL BRAUCHLE  
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Attorney at Law  
State Bar No. 10804500

HON. DOUGLAS PARKS  
Attorney at Law  
State Bar No. 15520000

FOR THE DEFENDANT

\* \* \* \* \*

## E X H I B I T I N D E X

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*Belinda G. Baraka, Official Court Reporter*  
 214-653-5803

## E X H I B I T I N D E X

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*Belinda G. Baraka, Official Court Reporter*  
 214-653-5803

## E X H I B I T I N D E X

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*Belinda G. Baraka, Official Court Reporter*  
*214-653-5803*

CAUSE NO. F07-50318-M

THE STATE OF TEXAS \* IN THE DISTRICT COURT  
vs. \* 194TH JUDICIAL DISTRICT  
WESLEY LYNN RUIZ \* DALLAS COUNTY, TEXAS

REPORTER'S RECORD

EXHIBIT INDEX

Volume 59 of 59 Volume(s)

BE IT REMEMBERED THAT on this the 27th day of May,  
A.D, 2008, the above-styled and -numbered cause(s) came  
on for hearing before the HONORABLE ERNEST B. WHITE, III  
of the 194th Judicial District Court of Dallas County,  
State of Texas, the following is a true and correct  
transcription of the proceedings had, to-wit:  
(Proceedings Reported by Computerized Machine Shorthand)

*Belinda G. Baraka, Official Court Reporter*  
214-653-5803

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DEFENSE'S EXHIBIT NO. A  
LABORATORY REPORT

*Belinda G. Baraka, Official Court Reporter*  
*214-653-5803*





SOUTHWESTERN  
INSTITUTE OF FORENSIC SCIENCES  
AT DALLAS

Trace Evidence Section

5230 Medical Center Drive  
Dallas, Texas 75235

FLED MAY 5 2008

May 13, 2008

Investigating Agency: Det. Jesus Briseno  
Dallas Police Department  
Crimes Against Persons  
1400 Lamar Street 5<sup>th</sup> Floor  
Dallas, Texas 75215

Laboratory #: 07P0471 - S1  
Agency #: 203348T  
DCME #: 1022-07  
Complainant: Mark Nix  
Offense: Homicide

**EVIDENCE:**

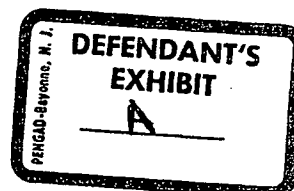
Submitted by Marshall McLemore on March 28, 2007:

- 214. Officer Nix's uniform shirt
  - 214A. Uniform shirt
  - 214B. Dallas Police Department Badge # 7906
  - 214C. Fragment from left collar of uniform shirt (item 214A)
  - 214D. Fragment from Dallas Police Department Badge # 7906 (item 214B)
  - 214E. Part of metal clasp from insignia pin on left collar of uniform shirt (item 214A)

**RESULTS:**

As previously reported (April 8, 2008), a series of defects was observed in the front of the left sleeve of the item 214A uniform shirt. The front left sleeve, upper left chest, top left shoulder and front left collar area was chemically tested for the presence of lead.

A large pattern of lead was detected on the collar and across the chest onto the front of the left sleeve. The lead residue was especially dense on the lower point of the left collar close to the original position of the "DPD" insignia pin and located jacket fragment (item 214C). A heavy concentration of lead residue was detected on the remaining collar and between the collar and the original position of the badge (item 214B). Even though lead residue was detected on the left sleeve, no specific "bullet wipe" was detected around the margins of the defects observed in the front of the left sleeve.



Examiner's Initials UH

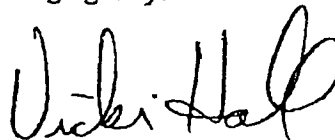
FL # 07P0471 - S1

May 13, 2008

Page 2 of 2

**DISPOSITION OF EVIDENCE:**

The above listed items will be released to the investigating agency.



Vicki Hall

Trace Evidence Examiner

Direct Line: 214-920-5948

Fax: 214-920-5813

E-mail: vhall@dallascounty.org

cc: DCME# 1022-07 (JKTP)  
Andy Beach - Dallas County D.A.'s Office

Examiner's Initials VH

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DEFENSE'S EXHIBIT NO. B  
NOTICE TO SUPPLEMENT

*Belinda G. Baraka, Official Court Reporter*  
*214-653-5803*

NO.: F07-50318

STATE OF TEXAS	§	IN THE 194 <sup>TH</sup> JUDICIAL
VS.	§	DISTRICT COURT OF
WESLEY LYNN RUIZ	§	DALLAS COUNTY, TEXAS

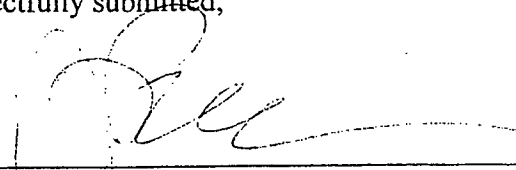
**NOTICE TO SUPPLEMENT EXTRANEOUS OFFENSES**  
**AND TO "REVEAL THE DEAL"**

On May 14, 2008, the State met with Hector Martinez, a close associate of Defendant, and Martinez's attorney, Charlie Humphries. In exchange for testifying fully and truthfully at both phases of the upcoming trial of Wesley Ruiz, the State has represented to Martinez and his attorney that he will not be sent to prison on any of his pending cases; F07-34698-T, F07-44942-T, and MB08-52439. Martinez was also promised immunity from prosecution for any criminal offenses touched upon during his testimony in this trial. Martinez will testify to the following extraneous offenses committed by the Defendant:

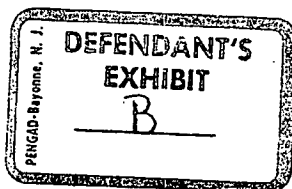
- 1) During the nine months preceding the murder of Mark Nix by the Defendant, Defendant admitted to the witness to "jacking" at gunpoint individuals of their money and/or drugs;
- 2) Shooting at an individual at Club Extreme in the months leading up to March 23, 2007;
- 3) To Defendant buying the murder weapon from witness' cousin;
- 4) To Ruiz making the statement on more than one occasion he wasn't going back to jail except in a box; and
- 5) To Ruiz coming by the witness' house on March 23, 2007, and borrowing witness' red/gray Chevy Caprice. Witness gave Ruiz a "blunt" and a bottle of liquid codeine.

The State, in light of today's agreement with Hector Martinez, has further decided to dismiss all pending cases against witness Carmen Delgadillo. This Notice further is to inform the Defendant the State's intention to call Hector Martinez as a witness at Ruiz's trial and to supplement State's List of Witnesses with the name of Hector Martinez, d.o.b. 08/07/87.

Respectfully submitted,



ANDY BEACH  
Assistant District Attorney  
Dallas County, Texas  
Bar No. 01944900



**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that a true copy of the foregoing instrument was delivered to opposing counsel on the \_\_\_\_\_ day of \_\_\_\_\_, 2008.

\_\_\_\_\_  
ANDY BEACH

\_\_\_\_\_  
William Karo Johnson

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DEFENSE'S EXHIBIT NO. C  
SUPPLEMENT TO NOTICE



CAUSE NUMBER: F-0750318

THE STATE OF TEXAS	§	IN THE 194 <sup>th</sup> CRIMINAL
VS.	§	DISTRICT COURT OF
WESLEY LYNN RUIZ	§	DALLAS COUNTY, TEXAS

**SUPPLEMENT TO NOTICE OF EXTRANEEOUS OFFENSES**

Pursuant to **TEX. CODE CRIM. PRO. ART. 38.37, TEX. R. CRIM. EVID. 404(B), and CODE CRIM. PRO. ART. 37.07**, notice is given to defendant by and through his counsel that during presentation of State's case in chief and punishment phase in the above-captioned and numbered criminal action, the following crimes, convictions, wrongs or acts, other than the act alleged in the indictment, may be introduced:

Membership, participation and allegiance to criminal gangs Midnight Dreamers, Ledbetter 12, and Tango Blast beginning in the early 1990's and continuing until present day.

The defendant was either the primary actor or participant in the following actions:

- On or about 3-29-93, Dallas County, Texas, Assault
- On or about 8-4-93, Dallas County, Texas, Burglary Vehicle
- On or about 8-4-93, Dallas County, Texas, Criminal Mischief
- On or about 8-21-93, Dallas County, Texas, Assault
- On or about 9-12-93, Dallas County, Texas, Robbery
- On or about 12-26-93, Dallas County, Texas, Aggravated Assault
- On or about 6-30-95, Dallas County, Texas, Theft of Motor Vehicle
- On or about 7-18-95, Dallas County, Texas, Assault, Jason and Jesse Vasquez
- On or about 7-18-95, Dallas County, Texas, Criminal Mischief
- On or about 7-18-95, Dallas County, Texas, Harassment, Margaret Vasquez
- On or about 8-9-95, Dallas County, Texas, Theft of Motor Vehicle
- On or about 1-23-96, Dallas County, Texas, Assault
- On or about 4-26-96, Dallas County, Texas, Aggravated Assault
- On or about 8-14-96, Dallas County, Texas, Assault
- On or about 1-2-97, Dallas County, Texas, Burglary of Motor Vehicle
- On or about 1-2-97, Dallas County, Texas, Burglary of Motor Vehicle
- On or about 1-2-97, Dallas County, Texas, Possession of Firearm
- On or about 3-8-97, Dallas County, Texas Deadly Conduct
- On or about 4-26-97, Dallas County, Texas Assault
- On or about 5-25-97, Dallas County, Texas, Aggravated Assault
- On or about 7-19-97, Dallas County, Texas, Theft under \$500
- On or about 9-26-97, Dallas County, Texas, Escape
- On or about 2-18-00, Dallas County, Texas, Minor Curfew violation, Giving wrong name to law enforcement, Failure to Maintain Financial Responsibility, Failure to Appear, Unregistered Motor Vehicle, Failure to Maintain Financial Responsibility, No Drivers License, Failure to Appear, Failure to Maintain Financial Responsibility, Failure to Display Drivers License, Failure to Appear, Expired buyers Tags, Failure to Maintain Financial Responsibility, Failure to Display Drivers License, Failure to Appear, Seatbelt Violation.

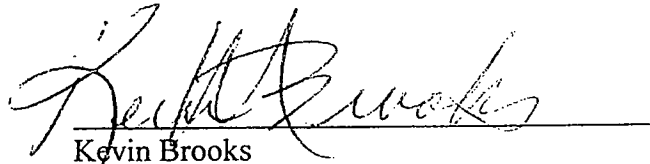
These acts also evidence participation, allegiance, and membership in criminal gangs.

Said crimes and bad acts are specifically set out in the defendant's "gang file" from the Irving Police Department. Said "gang file" and reports reflecting these acts have previously been tendered to defense.

A continuing course of delivery of controlled substances and possession and use of firearms beginning on or about 1997 continuing to the date of the present offense: March 23, 2007.

On or about June 7, 2007, Lew Sterrett Justice Center, Possession of Contraband, U.S. Currency.

Respectfully submitted,



Kevin Brooks  
Assistant District Attorney  
Dallas County, Texas

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing Motion has been ☐ hand-delivered, ☐ mailed, ☐ faxed, to the Attorney for the Defendant, Paul Brauchle at 4131 N Central Expy Ste 680 Dallas, TX, 75204-2171, on this the 11<sup>th</sup> day of April, 2008.



Kevin Brooks  
Assistant District Attorney  
Dallas County, Texas



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DEFENSE'S EXHIBIT NO. 1  
PROCEDURES

*Belinda G. Baraka, Official Court Reporter*  
*214-653-5803*

Patrol S.O.P.

POLICE INCIDENTS

Section 1800

TRAFFIC STOPS  
(FELONY)

Procedure 1834

Date Issued	Date Effective	Revision Number	Page
March 27, 1991	April 17, 1991	91-1	1 of 10

1834 TRAFFIC STOPS (FELONY)

A. Officer safety requires a different approach for high risk traffic stops traffic stops, and stops at the end of vehicle pursuits.

1. Reasons for use of High Risk Stop procedure.

a. By information received or by observation, the officer has reason to believe that persons occupying a vehicle will be a threat to the officer's safety if a traffic stop is made.

(1) Recognition of an occupant as a wanted person.

(2) Information by radio transmission or written bulletin, that the vehicle or an occupant of a vehicle is wanted on an offense or warrant.

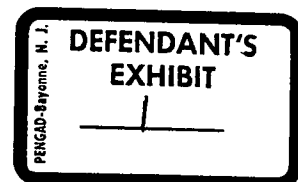
(3) End of vehicle pursuit stops.

2. When the decision has been made to conduct a traffic stop considered to be high risk, the following steps should be used:

a. CONSIDERATIONS PRIOR TO MAKING STOPS.

(1) The need to call for a cover element if you are one-officer, regardless of the number of occupants in the vehicle. The initial element should follow the suspect until the support element is in place to assist in the stop.

(2) Determine number of occupants of the



- (1) Location and direction of travel.
  - (2) License number on vehicle.
  - (3) Vehicle description, including make, year, and color.
  - (4) Number and description of occupants.
- b. Turn on the emergency lights on your vehicle. Tap your siren if necessary to gain attention of driver of suspect vehicle.
  - c. Be alert for reaction of all persons in suspect vehicle. Will the driver suddenly stop, causing you to stop too close; is there movement of passengers in the vehicle to either hide or retrieve an article? The vehicle could speed away.
    - (1) If the vehicle flees, go to Vehicle Pursuit, Procedure 1904.
  - d. If the vehicle stops, give the location to the dispatcher.
4. Properly place your vehicle in relation to the suspect's vehicle.
    - a. Stop your vehicle 15-20 feet to the rear of the suspect's vehicle.
    - b. Your vehicle should be stopped in an offset position from the suspect vehicle so the driver officer can see the left side of the suspect's vehicle and the license plate.
      - (1) If you cannot see the license plate of the suspect vehicle while seated in the police vehicle, **YOU ARE TOO CLOSE!**
    - c. If at night, leave your high-beam lights on and aim the spotlight toward the driver's inside rearview mirror.
      - (1) The cloak of darkness behind the lights

- (1) Cover officer in second vehicle can move from cover vehicle to passenger seat of first officer's vehicle. This will allow cover officer to better utilize the shotgun and will enhance communications at the scene. If factors such as known armed suspects exist, it would not be wise to leave cover and move to the first vehicle.
- (2) If due to terrain or street width, parked vehicles, or environmental factors exist, the cover officer should consider parking on the left side of the first police vehicle. Cover officer can move to passenger side of vehicle and utilize shotgun, or use handgun from drivers side of the vehicle.

5. Removing Occupants from Suspect Vehicle.

a. "DO NOT RUSH THE SUSPECT" -

This is true for most types of felony stops, whether end of chase, or any other high risk stop. Remember, circumstances, at specific scenes, require different tactics. If the suspect vehicle wrecks, or is on fire, you may approach, but would still not rush the vehicle. Approach with caution regardless of the circumstances.

- (1) Use the Public Address System in your vehicle, if necessary for communication. The initial officer will use loud, clear, specific verbal directions/commands to occupants of the vehicle.
  - a. If the command is not for all occupants, specify to whom the direction/command is for.
- (2) The initial command, in preparation for vehicle extraction is to direct all occupants of the suspect vehicle to make their hands visible to the officer.

with head toward the officer, face to the side, away from the officer.

- (f) On a high risk, or felony stop, visibility - being able to view the suspects from cover, is the overriding factor. Placing the suspect(s) between the vehicles allows the officers to contain the scene.
- (5) Continue the suspect extraction with any passenger(s) in the vehicle. ~~With bench seat vehicles,~~ you can have a front seat passenger move to drivers door and exit. Back seat passengers can also be directed to drivers door exit. With vehicles having bucket seats, use same method except exit would be from passenger side front seat passenger.
- (a) Subsequent suspects will be directed between the vehicles, placed on the ground in a staggered line. None of the suspects should be in touching distance of one another.

6. Clearing the Vehicle.

- a. If all suspects exit from the drivers side, the driver officer will maintain cover and the back up or passenger officer will approach the suspect vehicle from the right rear side.
  - (1) Reach forward with your off hand and attempt to pull up the trunk. Be prepared to kneel down and cover anyone that might be in the trunk if it opens. Officer should consider attempting to move away from the vehicle to the nearest position of cover available.
  - (2) From the right rear, move slowly forward looking in back seat. Make a quick peek of floorboard, then move slowly forward to make a thorough check of rear

will not handcuff with a handgun in his hand.

(2) If at any time during this contact, one or more felons attempt to flee, notify dispatcher of direction of travel. Remember to leave enough cover to handle prisoners still in custody. Chase fleeing suspects only if sufficient cover remains with those in custody.

(3) If occupants of the vehicle neither exit the vehicle nor comply with the officer's voice commands, the incident should be handled in the same manner as a Barricaded Person - Procedure 1200.

d. Search the suspect(s).

(1) Male suspects taken into custody: Thoroughly search them at the time of the arrest.

(2) Female suspects taken into custody: Thoroughly search purses, luggage, and hair. Male officers may search the coats or other similar loosely fitting garments of female prisoners. Under normal circumstances a female officer will be requested to conduct a full body search of a female prisoner. If any officer has adequate reason to believe that a female has a weapon or contraband/evidence which may be destroyed, that officer may search the outer clothing (pants, blouse, dress) of that prisoner.

e. Advise the prisoner of his constitutional rights.

f. Place prisoners in police vehicle per Procedure 1925 (A-6).

g. Transport prisoner to jail.

(1) Female prisoners will be transported by two officers.

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DEFENSE'S EXHIBIT NO. 2  
DOCUMENT

**FELONY MODULE  
EVALUATION REPORT  
FELONY TRAFFIC STOP**

TIME MARKED OUT: \_\_\_\_\_

TIME CLEARED: \_\_\_\_\_

DATE: \_\_\_\_\_

ELEMENT: \_\_\_\_\_

DRIVER: \_\_\_\_\_

WRITE PASS OR FAIL IN BLANK \_\_\_\_\_

PARTNER: \_\_\_\_\_

WRITE PASS OR FAIL IN BLANK \_\_\_\_\_

EVALUATOR: \_\_\_\_\_

**THE FOLLOWING EVALUATION POINTS MUST BE SUCCESSFULLY COMPLETED FOR THE DRIVER OR PARTNER TO PASS THE PROBLEM. PLACE A CHECK MARK ON THE LINE BESIDE THE TASK IF IT IS SUCCESSFULLY COMPLETED.**

	<u>DRIVER</u>	<u>PARTNER</u>
1. Did the officers use correct radio procedures when marking out on the <u>Felony Traffic Stop</u> ?	_____	_____
2. Did the officers utilize emergency equipment lights?	_____	_____
3. Did the officers tactically position their vehicles?	_____	_____
4. If applicable, did the driver utilize the vehicle's high beam and spotlights to illuminate the interior of the suspects vehicle?	_____	_____
5. Did the driver offset the vehicle to create a safety zone?	_____	_____
6. Did the officers remain in their vehicle and utilize cover?	_____	_____
7. Did the officers cover the suspect(s) with pistol and/or shotgun?	_____	_____
8. Did the driver utilize the PA system effectively?	_____	_____
9. Did the driver use clear and concise verbal commands?	_____	_____
10. Did the driver have the suspect put his hands where they can be seen?	_____	_____
11. Did the driver have the suspect remove the keys from the vehicle and toss them on the ground?	_____	_____

PENGAD-Bayonne, N. J.

**DEFENDANT'S  
EXHIBIT**

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DEFENSE'S EXHIBIT NO. 3  
DOCUMENT

*Belinda G. Baraka, Official Court Reporter*  
*214-653-5803*

Patrol S.O.P. PATROL POLICIES SECTION 1900

EMERGENCY VEHICLE OPERATION

Procedure 1904

Date Issued April 25, 1996	Date Effective April 29, 1996	Revision Number 96-2	Page 1 of 12
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1904 EMERGENCY VEHICLE OPERATION

A. Authorized Emergency Vehicles

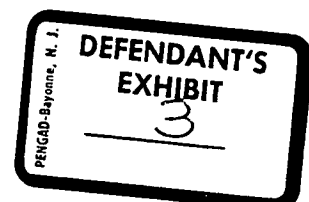
1. Only those vehicles equipped with a siren, and with red or red and blue emergency warning lights installed with and in a manner approved by the Chief of Police, will be authorized emergency vehicles.
2. Vehicles not equipped with serviceable emergency equipment as provided in Section 1 above will not be operated in an emergency manner.

B. Authorized Operators - No police vehicle will be operated Code 3 unless operated by:

1. A sworn member of the Department;
2. A Reserve Officer of the Department when on duty and operating under the immediate order of a sworn officer or sworn supervisor, and only when such operation is essential to the preservation of life; or
3. A Dallas Police Department Security Officer who is a peace officer and authorized to operate a marked vehicle as part of the officer's job duties.

C. The following list should be considered before starting a pursuit or deciding to continue one.

1. Weather conditions.
2. Seriousness of the crime.
3. Have you already established a positive identification?



Emergency Vehicle Operation Procedure 1904

Page 2 of 12

4. Can the helicopter follow the suspect and officer?  
Can you get directions from the helicopter and follow at a safe speed?
  5. Is there heavy vehicle or pedestrian traffic?
  6. Is your vehicle performing properly?
  7. Will you have sufficient cover when the chase reaches its conclusion?
  8. Are the speeds being reached too fast?
  9. If you have lost visual contact with the vehicle, call off the chase!
- D. Manner of Operation While in Pursuit of Violator Who Refuses to Stop:
1. The decision to pursue must be based upon facts known to the officer, not upon assumptions.
  2. Pursuits may be initiated for traffic violations only, however the officer, in both cases of traffic-only violators as well as other Class C offenders, will immediately disregard the pursuit when it becomes apparent that the violator will do whatever necessary to evade the officer (e.g., high speeds, running traffic lights, extended distance outside the city, driving through yards, etc).
  3. Both the emergency warning lights and the siren will be used at all times while operating Code 3.
  4. Only police vehicles equipped with operable emergency lights and sirens will participate in the pursuit of a fleeing vehicle.
  5. Unmarked vehicles without roof mounted emergency light system will discontinue pursuit when a marked vehicle takes up the chase. Supervisors in unmarked vehicles will follow the chase in a prudent manner and at a reasonable speed.
  6. If a pursuit is initiated by a motorcycle the solo officer will abandon the pursuit when a four wheel unit joins the pursuit.

Emergency Vehicle Operation Procedure 1904 Page 3 of 12

7. During those instances where an officer is not dispatched Code 3, the operator will inform the dispatcher of a Code 3 situation and receive acknowledgment as soon as practical upon beginning a Code 3 operation.
  8. Officers will hold Code 3 responses to the essential minimum and end a Code 3 response at the earliest possible time.
  9. Some law enforcement goals may be better served if an officer does not alert an in-the-act offender of the officer's arrival. The authority to drive contrary to traffic regulations generally requires the emission of an audible signal. In most cases when the siren is turned off, the authority to drive contrary to traffic regulations ceases.
  10. The authority to drive contrary to operator of the regulatory codes does not relieve the operator of the responsibility of exercising due regard for others. When regulating their speed, officers should give careful consideration to such things as the nature and seriousness of the offense or suspected offense, weather conditions, traffic conditions, traffic control devices, character of the neighborhood, traffic volume, road and vehicle conditions.
  11. Vehicles with passengers (prisoners, witnesses, suspects, complainants or other non-police personnel who have not signed a waiver of liability) will not become engaged in pursuits.
  12. If visual contact is lost other than momentarily or if unfavorable weather, road, traffic or vehicle conditions warrant, officers will discontinue the pursuit.
- E. Prohibited Practices during a pursuit:
1. Road blocks will not be setup to stop violators.
  2. Attempting to force the vehicle from the roadway by driving alongside or in front of the fleeing vehicle;

Emergency Vehicle Operations Procedure 1904 Page 4 of 12

3. Bumping or ramming the fleeing vehicle in an attempt to force it from the road.
  4. Officers will not discharge their weapons at a moving vehicle unless an occupant of the vehicle is using or attempting to use deadly force against an officer or other person.
  5. Officers will not pursue suspects the wrong way on a freeway. This order is not intended to prohibit pursuit on an adjacent roadway where the officer is driving with traffic flow.
- F. Requirements of the Controlling Supervisor when an element becomes involved in a pursuit, a field supervisor will either volunteer or be assigned by the dispatcher as the Controlling Supervisor. The Controlling Supervisor will:
1. Take command of the pursuit, assume the responsibility to discontinue the pursuit based upon his or her knowledge or upon a recommendation from the primary pursuit element; and ensure its safe conduct and proper disposition at its termination point within the limits of his or her knowledge of the situation;
  2. Command the pursuit from either a stationary position or while proceeding Code 1 toward the pursuit;
  3. Have the option of joining the pursuit (if another supervisor has not done so) and may request that the Controlling Supervisor responsibilities be assigned to a supervisor not engaged in the pursuit, if one is available.
  4. Monitor all radio communications to ensure that only those elements authorized and designated by the dispatcher participate in high speed pursuits;
  5. Consider the nature and seriousness of the offense for which the suspect is being pursued and assess the potential, if any, for identifying and arresting the fleeing offender at later time;

Emergency Vehicle Operation Procedure 1904 Page 5 of 12

6. Order a pursuit discontinued when:
  - a. The known circumstances or facts do not justify continuing the pursuit; or
  - b. The actions of other police agencies or individuals increase the danger to officers or the public. This includes actions of other police agencies that violate the Inter-Jurisdictional Pursuit Agreement, whether or not the violating agency is a signatory to that agreement.
  - c. Receiving a recommendation by:
    - (1) The primary pursuit element;
    - (2) The supervisor involved in the pursuit;
    - (3) A superior officer.

G. Requirements for the Officer Initiating the Pursuit:

1. Any element initiating a pursuit will immediately notify the police dispatcher of the following information:
  - a. Element number;
  - b. Direction of travel;
  - c. Reason for pursuit;
  - d. Description and number of occupants.
2. NO MORE THAN THE FOLLOWING THREE VEHICLES WILL BE INVOLVED IN A PURSUIT- THE PURSUIT ELEMENT, ONE SUPPORT ELEMENT, AND A SUPERVISOR (EITHER THE CONTROLLING SUPERVISOR OR ANOTHER SUPERVISOR). The primary vehicle or the supervisor engaged in the pursuit may request approval from the Controlling Supervisor to add additional elements. The Controlling Supervisor may grant this request and has the option to approve additional elements based upon personal judgement. Factors to be considered before requesting or allowing additional elements to join the pursuit include, but are not limited to:
  - a. The nature of the offense;

Emergency Vehicle Operation Procedure 1904 Page 6 of 12

- b. The number of suspects;
  - c. Whether to add a third element to the pursuit if no supervisor is able to join it;
  - d. Whether the participating elements have more than one officer per vehicle and;
  - e. Any factor that could reasonably cause an increased hazard.
3. Police vehicles not involved in the pursuit will not enter the pursuit to assume the lead or secondary vehicle position unless:
- a. The lead or secondary vehicles have fallen far enough behind the suspect's vehicle that it may be reasonably assumed that the lead or secondary vehicle cannot maintain with the suspect's vehicle, and
  - b. The vehicle can enter the pursuit without causing other pursuing squad cars to take evasive action.
  - c. If a police vehicle assumes the lead or second vehicle position (after meeting the above conditions), the vehicle entering the pursuit will immediately inform the dispatcher of the action taken. The last or third police vehicle will then leave the pursuit (unless it is a supervisor) and will notify the dispatcher of this action.
4. Officers involved in a pursuit will immediately inform the dispatcher of any collision or other injury observed by the officer as a result of the pursuit.
5. Vehicles trailing a chase at a distance and at legal speed limits will not follow the chase beyond their Operations Division geographical boundaries, and will be available in the Operations Division in which the chase continues.

Emergency Vehicle Operation Procedure 1904 Page 7 of 12

H. Helicopter Involvement

1. Whenever possible, the helicopter will join a pursuit after notification by the dispatcher. Upon joining the pursuit, the helicopter will:
  - a. Advise the dispatcher and Controlling Supervisor of the helicopter's presence, ability to maintain contact while directing the pursuit, and the number of vehicles in the pursuit;
  - b. Direct ground units to the fleeing vehicle's termination point.
2. If practical and safe, the helicopter will:
  - a. Maintain a position that allows the pilot and/or observer to see an area several blocks in front of and behind the suspect's vehicle;
  - b. Notify pursuing officers of any upcoming traffic hazards; and
  - c. Be aware of the number of police vehicles in the pursuit and notify the Controlling Supervisor and/or dispatcher of any changes in the number of vehicles involved in the pursuit.

I. Requirements of the Dispatcher:

1. The radio dispatcher will:
  - a. Transmit all information pertinent to the pursuit to other police elements.
  - b. Immediately identify the closest field supervisor (Patrol, Traffic, Special Operations) and designate that supervisor as the Controlling Supervisor.
  - c. Notify the helicopter duty officer.
  - d. Advise pursuit vehicles of any known or potential hazards in the path of the pursuit (accidents, street closures, repairs, etc.).



Emergency Vehicle Operation Procedure 1904 Page 8 of 12

- e. Attempt to determine the reason why a vehicle is fleeing (e.g., a robbery that may have occurred near the initiation point of the chase, etc.).
2. When it becomes evident a pursuit may cross into another dispatch area with a different radio frequency, the originating dispatcher will notify the dispatcher responsible for the area into which the pursuit may continue. This dispatcher will activate the "Alert Tone" to warn elements in his or her dispatch area that an emergency radio traffic is forthcoming. Activation of the alert tone will include two short "beeps" of this signal followed by pertinent information regarding the pursuit.
3. When a pursuit enters another Operations Division, that channel's dispatcher will keep the division officers informed of the location of the pursuit. No officer will join a pursuit without obtaining approval from the dispatcher and/or the Controlling Supervisor of the channel and/or division where the pursuit originated. Normally, all pursuits will be maintained and controlled on the radio channel where the pursuit originated and under the direction of the original Controlling Supervisor.

The only exceptions to this policy will be:

- a. If radio transmission become weak or unreadable, a Communications Division supervisor will direct elements to a channel where transmissions are improved;
- b. If a pursuit continues for an excessive length of time, the Communications Division supervisor may direct elements to another channel so that operations on the primary channel may return to normal;
- c. If the Controlling Supervisor advises that a pursuit should be broadcast on another channel for officers' safety, the Communications Division supervisor will direct the elements to another channel.

Emergency Vehicle Operation Procedure 1904 Page 9 of 12

4. If it becomes evident the pursuit might cross into another jurisdiction or if elements from another police agency become involved in the pursuit, the dispatcher will determine whether the jurisdiction being entered or agencies participating in the pursuit are signatories to the Inter-Jurisdictional Pursuit Agreement. This information will immediately be broadcast to the pursuit vehicles and Controlling Supervisor.

J. Inter-Jurisdictional Pursuit Policy

1. Before a pursuit enters another jurisdiction, the dispatcher will notify the other agency with the following information:
  - a. The pursuit is about to enter their jurisdiction;
  - b. Reason for the pursuit and nature of violation;
  - c. Location and direction of the pursuit;
  - d. Complete description of occupants and vehicle;
  - e. Number of elements involved in the pursuit;
  - f. Whether or not assistance is needed;
  - g. If applicable, notify that agency when the pursuit is leaving their jurisdictional boundaries or the location of termination.
2. The initiating agency will have control and be responsible for the pursuit. Other agencies will not participate unless requested to assist.
3. A TOTAL OF NO MORE THAN THREE VEHICLES FROM THE COMBINED JURISDICTION WILL BE INVOLVED IN ANY PURSUIT -- TWO ELEMENTS AND ONE SUPERVISOR.

Emergency Vehicle Operation Procedure 1904 Page 10 of 12

4. During a pursuit involving more than one agency, the following practices are prohibited:
  - a. Roadblocks;
  - b. Ramming;
  - c. Forcing pursued vehicles off the roadway;
  - d. Shooting at pursued vehicle (except to protect against the use of unlawful deadly force).
5. Responsibility of the initiating agency:
  - a. Arraignment of arrested persons;
  - b. Disposition of any passenger;
  - c. Disposition of arrested person's vehicle;
  - d. Coordination of all reports, citations and criminal charges.
6. An officer apprehending an offender will take the arrestee or have the arrestee taken without unnecessary delay, before:
  - a. The magistrate who issued the warrant or before the magistrate named in the warrant, if the magistrate is in the same county where the person is arrested. If the issuing or named magistrate is in another county the person arrested will without unnecessary delay be taken before some magistrate in the county in which he or she was arrested; or
  - b. Some magistrate of the county in which the arrest was made, or;
  - c. If necessary to provide more expeditiously to the arrestee the required warnings, before a magistrate in a county bordering the county in which the arrest was made.

Emergency Vehicle Operation Procedure 1904 Page 11 of 12

7. As a matter of professional courtesy, a supervisor from the agency where the pursuit terminated will respond to the termination location to be informed of pertinent information regarding the chase.

K. Reporting Requirements

1. Offense Report

- a. At the conclusion of each vehicular pursuit, officers will obtain a service number and prepare a direct entry Offense Report titled "Evading Arrest". This report will be prepared regardless of whether the suspect escaped or was arrested.
- b. The Offense Report will fully describe the particulars of the pursuit and actions taken by the officers involved.
- c. In instances where the suspect escapes, the Offense Report will contain as much information as available regarding suspect and vehicle description and any other pertinent identifying data.
- d. Information contained in the Offense Report will be used by detectives to develop a case against an offender who may escape. This information may result in the suspect being arrested at a later time and in a safer manner.

2. Data Pursuit Form

- a. The Controlling Supervisor will complete a Data Pursuit Form within three working days of the date of pursuit. If a Controlling Supervisor is not assigned, the primary pursuit element will be responsible for completing this form.
- b. Completed Data Pursuit Forms will be forwarded to the Planning Unit, which compiles a Monthly Pursuit Report forwarded to all Organizational Commanders.

Emergency Vehicle Operation Procedure 1904 Page 12 of 12

- c. Officers will also submit a Data Pursuit Form when they do not initiate a formal pursuit for a traffic violation in which the violator refuses to stop.

L. Review Procedures

- 1. The Communications Division will route a copy of each Evading Arrest Offense Report to the Division Commander of the officer making the report and to the unit having report and to the unit having investigative responsibility for filing the prior offense for which the suspect is evading.
- 2. The Division Commander will:
  - a. Review each incident of vehicular pursuit;
  - b. Insure that any appropriate follow-up action is taken; and
  - c. Notify the Departmental Safety Officer of any recommendations that may enhance officer or citizen safety.

M. Procedures regarding Emergency Escort for Private Vehicles are outlined in Patrol S.O.P. 1815.

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DEFENSE'S EXHIBIT NO. 4  
CASINGS  
(NONREPRODUCIBLE)

*Belinda G. Baraka, Official Court Reporter*  
*214-653-5803*

Defense's 4

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DEFENSE'S EXHIBIT NO. 5

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CASINGS

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(NONREPRODUCIBLE)

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*Belinda G. Baraka, Official Court Reporter*  
*214-653-5803*

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DEFENSE'S EXHIBIT NO. 6  
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DEFENSE'S EXHIBIT NO. 8

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DEFENSE'S EXHIBIT NO. 10

ASP

(NONREPRODUCIBLE)

Defense 10

*Belinda G. Baraka, Official Court Reporter*  
*214-653-5803*

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DEFENSE'S EXHIBIT NO. 11

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DEATH CERTIFICATE

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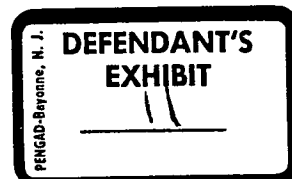
*Belinda G. Baraka, Official Court Reporter*  
*214-653-5803*

VS-112 REV 1/2006  
The penalty for knowingly making a false statement is a fine of up to \$10,000. (Health and Safety Code, § 95, 1995)

TEXAS DEPARTMENT OF STATE HEALTH SERVICES - VITAL STATISTICS UNIT

1. LEGAL NAME OF DECEASED (Include AKA's if any) (First, Middle, Last)		(Maiden)		2. DATE OF DEATH - ACTUAL OR PRESUMED	
Mark		Nix		March 23, 2007	
3. SEX	4. DATE OF BIRTH	5. AGE-Last Birthday (Years)	IF UNDER 1 YR MO DAYS	IF UNDER 1 DAY HOURS MIN	6. BIRTHPLACE (City & State or Foreign Country)
Male					
7. SOCIAL SECURITY NUMBER		8. MARITAL STATUS AT TIME OF DEATH <input type="checkbox"/> Married <input type="checkbox"/> Widowed <input type="checkbox"/> Divorced <input type="checkbox"/> Never Married <input type="checkbox"/> Unknown		9. SURVIVING SPOUSE (If wife, give name prior to first marriage)	
10a. RESIDENCE STREET ADDRESS		10b. APT NO		10c. CITY OR TOWN	
10d. COUNTY		10e. STATE		10f. ZIP CODE	
				10g. INSIDE CITY LIMITS? <input type="checkbox"/> Yes <input type="checkbox"/> No	
11. FATHER'S NAME		12. MOTHER'S NAME PRIOR TO FIRST MARRIAGE			
13. PLACE OF DEATH (CHECK ONLY ONE)					
IF DEATH OCCURRED IN A HOSPITAL: <input type="checkbox"/> Inpatient <input checked="" type="checkbox"/> ER/Outpatient <input type="checkbox"/> DOA					
IF DEATH OCCURRED SOMEWHERE OTHER THAN A HOSPITAL: <input type="checkbox"/> Hospice Facility <input type="checkbox"/> Nursing Home <input type="checkbox"/> Decedent's Home <input type="checkbox"/> Other (Specify)					
14. COUNTY OF DEATH		15. CITY/TOWN, ZIP (If outside city limits, give precinct no)		16. FACILITY NAME (If not institution, give street address)	
Dallas		Dallas 75235		Parkland Memorial Hospital	
17. INFORMANT'S NAME & RELATIONSHIP TO DECEASED		18. MAILING ADDRESS OF INFORMANT (Street and Number, City, State, Zip Code)			
19. METHOD OF DISPOSITION <input type="checkbox"/> Burial <input type="checkbox"/> Cremation <input type="checkbox"/> Donation <input type="checkbox"/> Entombment <input type="checkbox"/> Removal From State <input type="checkbox"/> Other (Specify)		20. SIGNATURE AND LICENSE NUMBER OF FUNERAL DIRECTOR OR PERSON ACTING AS SUCH		21. Section <input type="checkbox"/> Unknown Block Lot Space	
22. PLACE OF DISPOSITION (Name of cemetery, crematory, other place)		23. LOCATION (City/Town, and State)			
24. NAME OF FUNERAL FACILITY		25. COMPLETE ADDRESS OF FUNERAL FACILITY (Street and Number, City, State, Zip Code)			
26. CERTIFIER (Check only one): <input type="checkbox"/> Certifying Physician - To the best of my knowledge, death occurred due to the cause(s) and manner stated. <input checked="" type="checkbox"/> Medical Examiner/Justice of the Peace - On the basis of examination, and/or investigation, in my opinion, death occurred at the time, date, and place, and due to the cause(s) and manner stated.					
27. SIGNATURE OF CERTIFIER		28. DATE CERTIFIED (Mo/Day/Yr)	29. LICENSE NUMBER	30. TIME OF DEATH (Actual or presumed)	
<i>J. K. Townsend-Parchman, M.D.</i>		3/24/07	H1421	7:16 P.M.	
31. PRINTED NAME, ADDRESS OF CERTIFIER (Street and Number, City, State, Zip Code)		Dallas, TX 75235		32. TITLE OF CERTIFIER	
J. K. Townsend-Parchman, M.D. 5230 Medical Center Dr.				Medical Examiner	
33. PART 1. ENTER THE CHAIN OF EVENTS - DISEASES, INJURIES, OR COMPLICATIONS - THAT DIRECTLY CAUSED THE DEATH. DO NOT ENTER TERMINAL EVENTS SUCH AS CARDIAC ARREST, RESPIRATORY ARREST, OR VENTRICULAR FIBRILLATION WITHOUT SHOWING THE ETIOLOGY. DO NOT ABBREVIATE. ENTER ONLY ONE CAUSE ON EACH LINE.				Approximate interval: Onset to death	
IMMEDIATE CAUSE (Final disease or condition resulting in death) a. Gunshot wound Due to (or as a consequence of):				Unknown	
Sequentially list conditions, if any, leading to the cause listed on line a. Enter the UNDERLYING CAUSE (disease or injury that initiated the events resulting in death) LAST. b. Due to (or as a consequence of): c. Due to (or as a consequence of): d. Due to (or as a consequence of):					
PART 2. ENTER OTHER SIGNIFICANT CONDITIONS CONTRIBUTING TO DEATH BUT NOT RESULTING IN THE UNDERLYING CAUSE GIVEN IN PART 1.				34. WAS AN AUTOPSY PERFORMED? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
35. WERE AUTOPSY FINDINGS AVAILABLE TO COMPLETE THE CAUSE OF DEATH? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No					
36. MANNER OF DEATH <input type="checkbox"/> Natural <input type="checkbox"/> Accident <input type="checkbox"/> Suicide <input checked="" type="checkbox"/> Homicide <input type="checkbox"/> Pending Investigation <input type="checkbox"/> Could not be determined		37. DID TOBACCO CONTRIBUTE TO DEATH? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Probably <input type="checkbox"/> Unknown		38. IF FEMALE: <input type="checkbox"/> Not pregnant within past year <input type="checkbox"/> Pregnant at time of death <input type="checkbox"/> Not pregnant, but pregnant within 42 days of death <input type="checkbox"/> Not pregnant, but pregnant 43 days to 1 year before death <input type="checkbox"/> Unknown if pregnant within the past year	
39. IF TRANSPORTATION INJURY, SPECIFY: <input type="checkbox"/> Driver/Operator <input type="checkbox"/> Passenger <input type="checkbox"/> Pedestrian <input type="checkbox"/> Other (Specify)					
40a. DATE OF INJURY (Mo/Day/Yr)	40b. TIME OF INJURY	40c. INJURY AT WORK? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	40d. PLACE OF INJURY (e.g., Decedent's home; construction site, restaurant, wooded area)		
3-23-07	Unknown P.M.		Roadway		
40e. LOCATION (Street and Number, City, State, Zip Code)		40f. COUNTY OF INJURY			
4100 Bernal Dr. Dallas, TX 75212		Dallas			
41. DESCRIBE HOW INJURY OCCURRED					
Shot by another person(s).					
42a. REGISTRAR FILE NO.	42b. DATE RECEIVED BY LOCAL REGISTRAR	42c. REGISTRAR			

INFORMATION ON BACK OF THE FORM MUST BE COMPLETED IF APPLICABLE  
INFORMATION BELOW IS FOR STATISTICAL PURPOSES ONLY AND IS NOT TO BE INCLUDED ON CERTIFIED COPIES



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DALLAS COUNTY  
INSTITUTE OF FORENSIC SCIENCES

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DEFENSE'S EXHIBIT NO. 12

PHOTOGRAPH

*Belinda G. Baraka, Official Court Reporter*  
*214-653-5803*

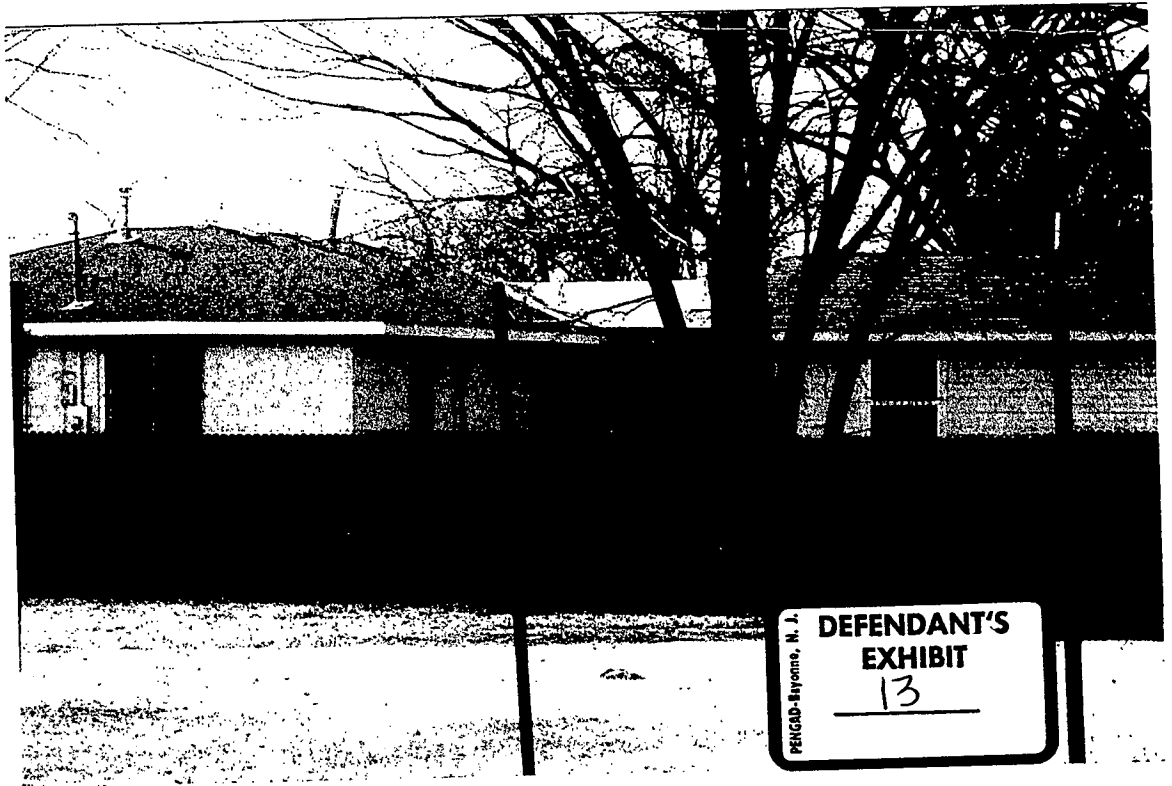




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DEFENSE'S EXHIBIT NO. 13  
PHOTOGRAPH

*Belinda G. Baraka, Official Court Reporter*  
*214-653-5803*



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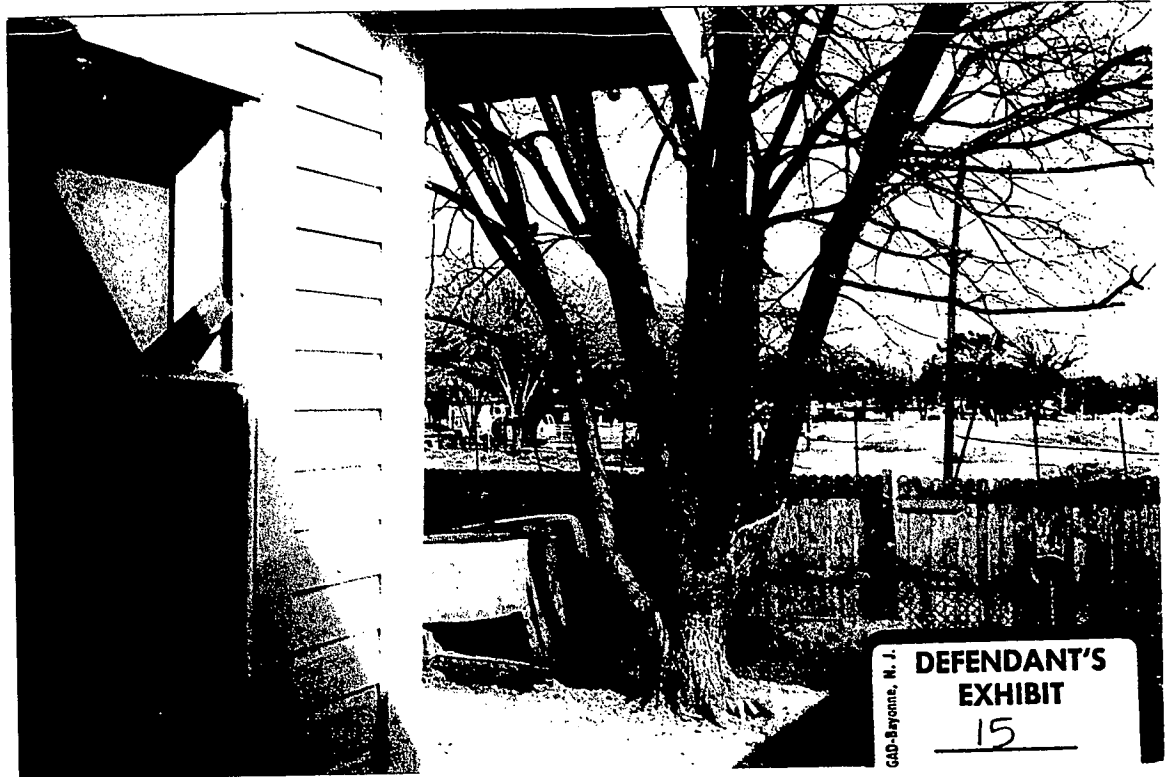
*Belinda G. Baraka, Official Court Reporter*  
*214-653-5803*



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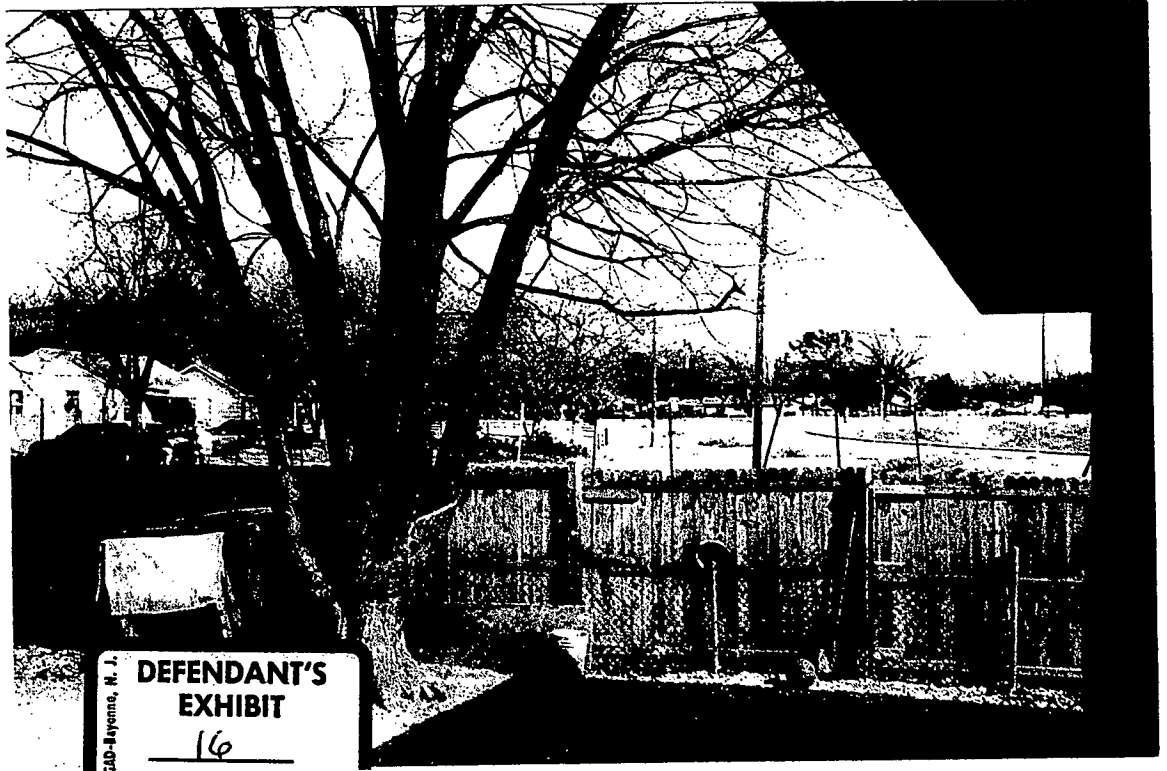
DEFENSE'S EXHIBIT NO. 15

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DEFENSE'S EXHIBIT NO. 16  
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DEFENSE'S EXHIBIT NO. 17

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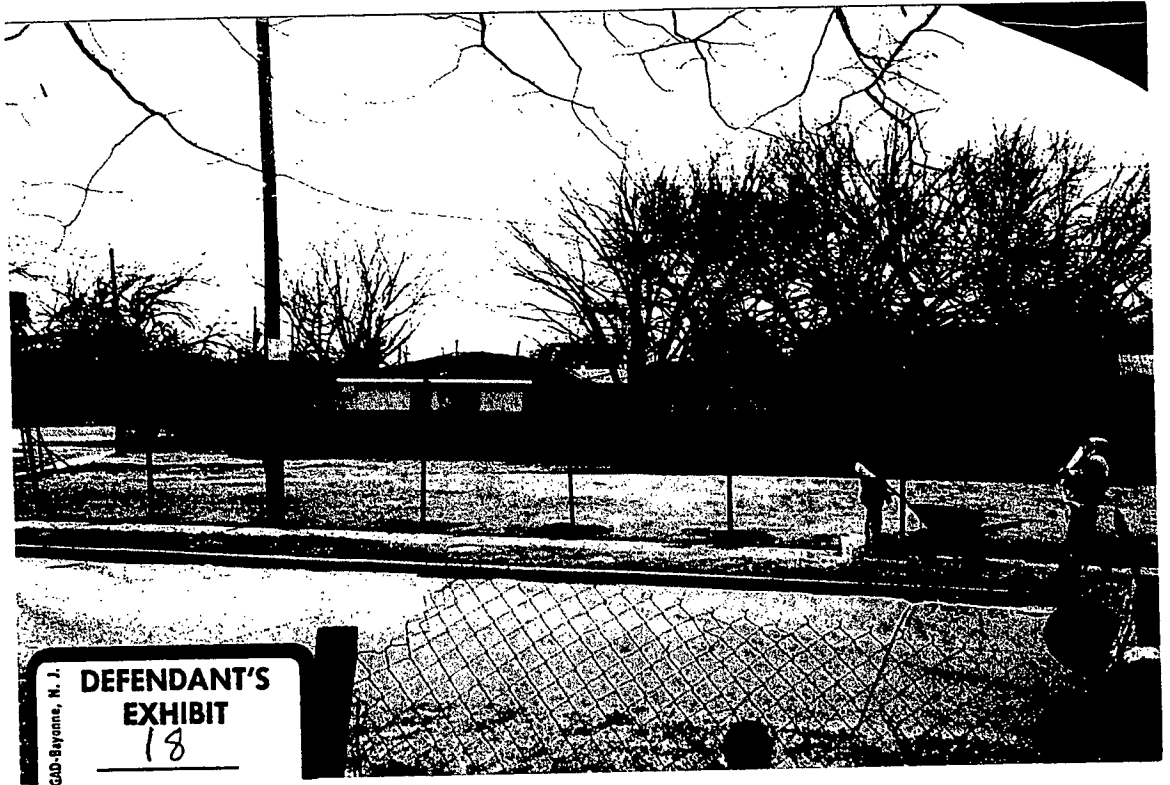
*Belinda G. Baraka, Official Court Reporter*  
*214-653-5803*



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DEFENSE'S EXHIBIT NO. 18

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DEFENSE'S EXHIBIT NO. 19

DIAGRAM

*Belinda G. Baraka, Official Court Reporter*  
*214-653-5803*

# Dallas Police Department

Drawn By

Sgt. JL Harris, #4362

Location:

4100 Bernal

Date Drawn

3/26/2007

Incident Date:

3/23/2007

Scale

Not to scale

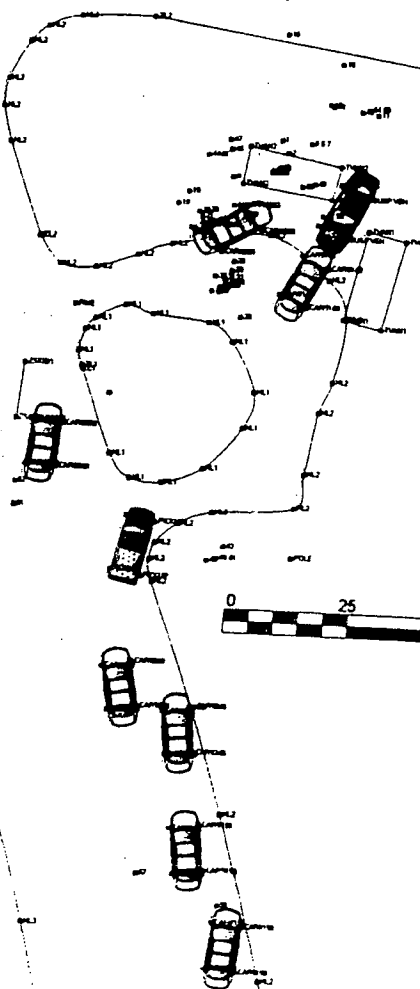
Case

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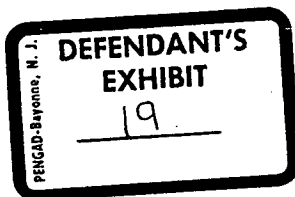
4100 Mart St.

4100 Bernal Dr.



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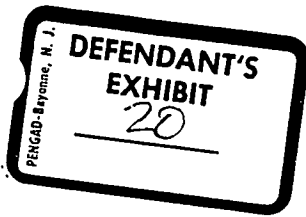
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DEFENSE'S EXHIBIT NO. 20  
AUTOPSY REPORT

*Belinda G. Baraka, Official Court Reporter*  
214-653-5803

COPY



SOUTHWESTERN  
INSTITUTE OF FORENSIC SCIENCES  
5230 Medical Center Drive  
Dallas, Texas 75235

DALLAS COUNTY  
INSTITUTE OF FORENSIC SCIENCES

Case No. 2351-02-1619JTP

Name: Ortiz, Jesus

Age: 22

Race: Latin

Sex: Male

Date of Death: 22 JUN 2002

Date of Examination: 22 and 23 JUN 2002

Time of Death: 3:22 am

Time of Examination: 1:05 pm and 7:30 am

Pronounced at: Methodist Medical Center  
Dallas, Dallas County, Texas

#### AUTOPSY REPORT:

##### ORGAN WEIGHTS:

Brain	1410 g	R. Lung	440 g	R. Kidney	175 g
Heart	410 g	L. Lung	510 g	L. Kidney	165 g
Liver	1490 g	Spleen	160 g		

##### EXTERNAL EXAMINATION:

Photographs, fingerprints, palm prints, and x-rays are taken. The hands are received bagged.

When first viewed, the body is nude. No clothing accompanies the body and no jewelry is present.

The body is that of a normally developed, Latin male appearing consistent with the recorded age of 22 years. The body is of average build and nutritional status, measuring 65 inches (165.1 cm) in length and weighing 174 pounds (78.9 kg). There is good preservation in the absence of embalming. There is posterior, blanching lividity and full rigidity. The body is cooler to the touch than room temperature.

The scalp hair is straight and black and measures up to 1-5/8 inches. A black beard and mustache are present. The scalp and ears are unremarkable. The eyes are closed and have clear corneae and brown irides. There is moderate edema of the conjunctivae. The nose and mouth are unremarkable and the natural teeth appear to be in good condition. The face is unremarkable. The neck contains injury to be described below. The chest is unremarkable. The abdomen contains treatment to be described below. The body hair is average in amount and distribution for an adult male. The genitalia are those of an uncircumcised adult male. The back contains injury to be described below. The limbs are equally and symmetrically developed and contain injury to be described below.

CONFIDENTIAL

ATTACHED 24



Case No: 2351-02-1619JTP

Name: Ortiz, Jesus

Page 2  
COPY

DALLAS COUNTY  
INSTITUTE OF FORENSIC SCIENCES

#### IDENTIFYING MARKS AND SCARS:

There are up to 1-1/4 inch scars on the forehead, left eyebrow, and left side of the scalp. There is a 1/2 inch scar on the anterior left shoulder. There are up to 3 inch scars on the lower extremities.

#### EVIDENCE OF TREATMENT:

There is a nasogastric tube in the right naris. An oral endotracheal tube and an oral airway are in place. There are ten EKG pads on the body. There is a translucent bandage over an 11-1/2 inch incision in the midline of the abdomen. Subsequent internal examination reveals five bloodsoaked laparotomy sponges, packing in a defect in the left lobe of the liver, and sutures in the transverse colon (segmentally resected), the small intestine (segmentally resected), the mesentery, and the stomach. There are puncture marks in the right antecubital fossa. There is an arterial line in the right wrist. There is an intravenous catheter in the right inguinal area. There is an intravenous catheter in the left antecubital fossa. There is a Foley catheter in the urethra. There are identification bands around the ankles.

#### EVIDENCE OF INJURY:

##### GUNSHOT WOUND:

There is a gunshot wound of entrance in the upper left buttock, which is a 5/8 inch in height x up to 7/8 inch in width transversely oriented oval defect that is centered 29-1/4 inches below the top of the head and 2-1/2 inches to the left of midline. There is no soot, stippling or marginal abrasion. No soot or gunpowder is seen within the entrance wound.

After perforating the skin, subcutaneous tissue, and musculature of the upper left buttock, the bullet sequentially perforates the left iliopsoas muscle, the mesentery (surgically treated), the small intestine (by history, surgically treated), the transverse colon (by history, surgically treated), the stomach (x2, surgically treated), and the left lobe of the liver (surgically treated).

Associated injury consists of contusion of the left hemidiaphragm overlying the defect and the left lobe of the liver.

By history, the bullet was recovered during surgery.

The bullet travels upward, back to front, and very slightly left to right.

##### INCISED WOUNDS:

There are four incised wounds in the anterior distal left forearm, anterior left wrist, and left thenar eminence, which are numbered 1 through 4 for purposes of identification without regard to possible chronological sequence.

CONFIDENTIAL

AT 10:00 PM 29

Case No: 2351-02-1619JTP

Page 3

me: Ortiz, Jesus

Incised wound #1:

There is an incised wound in the anterior distal left forearm, which is a 1-1/8 inch transversely oriented defect with smooth margins and sharp angles which is centered 30 inches below the top of the head. Contiguous with the lateral angle, there is a 9/16 inch, very superficial scabbed brown incised wound. Contiguous with the medial angle, there is a 1 inch, very superficial scabbed, brown incised wound. The defect is full thickness and extends to the subcutaneous tissue.

Incised wound #2:

In the anterior left wrist, there is a 1/16 inch very superficial incised wound that is obliquely oriented from right superior to left inferior. It is centered 30-3/4 inches below the top of the head.

Incised wound #3:

In the anterolateral left wrist, there is a 3/16 inch very superficial incised wound which is obliquely oriented from left superior to right inferior and which is centered 30-7/8 inches below the top of the head.

Incised wound #4:

There is an incised wound in the left thenar eminence, which is a 1/2 inch very superficial defect that is obliquely oriented from left superior to right inferior and which is centered 32 inches below the top of the head.

Incised wounds 2 through 3 have sharp angles and smooth margins and are linear.

## OTHER INJURIES:

On the left side of the front of the neck, there is a 3/8 inch faint brown contusion.

On the anterior top of the right shoulder, there is a 1/2 inch yellow-tan abrasion. On the anterior top of the left shoulder, there is a 1-1/4 inch faint contusion, just lateral to which there are a few up to 7/8 inch red abrasions and inferior to which there is a 5/8 inch transversely oriented thin, scabbed apparent abrasion. On the posterior top of the right deltoid area, there is a 1-1/4 inch faint contusion. On the posterior left shoulder, there are a few up to 3-3/4 inch linear and curvilinear red abrasions.

On the posterior right arm, there is a 7 inch area of up to 4-1/2 inch curvilinear red abrasions. On the posterior left arm, there is a 7-1/4 inch area of up to 5-1/2 inch linear and curvilinear red abrasions. On the right pretibial area, there is a 3/4 inch red-brown contusion. On the left knee and left pretibial area, there are a few 1/4 inch red abrasions.

These injuries, having been once described, will not be repeated.

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AT 04/17/15 29

Case No: 2351-02-1619JTP

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Name: Ortiz, Jesus-

**INTERNAL EXAMINATION:**

**NECK:** See previous description. The soft tissues and prevertebral fascia are unremarkable. The hyoid bone is intact. There is no palpable fracture of the cervical vertebrae.

**BODY CAVITIES:** There are approximately 100 ml of clear serous fluid in each pleural cavity. There are approximately 50 ml of clear serous fluid in the pericardial sac.

**CARDIOVASCULAR SYSTEM:** The pericardium, epicardium, and endocardium are smooth, glistening, and unremarkable. There are no thrombi in the atria or ventricles. The foramen ovale is probe patent but physiologically closed. The coronary arterial system is right dominant and is free of atherosclerosis. The atrial and ventricular septa are intact. The cardiac valves are unremarkable. The myocardium is dark red-brown and firm, with no focal abnormalities. The aorta is of usual course and caliber, and its major branches and the great veins are normally distributed. The intimal surface of the abdominal aorta is free of atherosclerosis.

**RESPIRATORY SYSTEM:** The upper airway is unobstructed. The mucosa of the larynx and tracheobronchial tree is smooth and unremarkable without petechiae. The pulmonary arteries contain no emboli. The pleural surfaces are smooth and shiny. The bronchi are normally distributed. The major bronchi are unremarkable. Sectioning of the lungs reveals a pale pink-purple, minimally congested and mildly edematous parenchyma.

**HEPATOBIILIARY SYSTEM:** See previous description.

**GENITOURINARY SYSTEM:** See previous description.

**MUSCULOSKELETAL SYSTEM:** See previous description.

Apart from the features described above, examination of the organs and tissues which comprise the HEAD, CENTRAL NERVOUS SYSTEM, NECK, BODY CAVITIES, CARDIOVASCULAR, RESPIRATORY, HEPATOBIILIARY, GENITOURINARY, GASTROINTESTINAL, LYMPHORETICULAR, ENDOCRINE, and MUSCULOSKELETAL SYSTEMS reveals all to be within the usual limits of size, character and position for age, sex, and development.

In particular, it is noted that the gallbladder contains approximately 8 ml of bile but no calculi. The urinary bladder is empty. The stomach contains approximately 50 ml of bile stained fluid. No tablets or capsules are identified. The appendix is present and unremarkable. The body wall fat measures up to 3/4 inch in maximal thickness.

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ne: Ortiz, Jesus.

**FINDINGS:**

1. Gunshot wound of trunk:
  - a. Entrance wound: upper left buttock.
  - b. Apparent range of fire: distant range, based on absence of firearm residue on skin, clothing or in wound track.
  - c. Injuries: perforations of mesentery (surgically treated), small intestine (by history, surgically treated), transverse colon (by history, surgically treated), stomach (x2, surgically treated), and liver (surgically treated) with contusion of left hemidiaphragm.
  - d. Recovery: bullet recovered during surgery at hospital.
  - e. Path: upward, back to front, and very slightly left to right.
2. Incised wounds of left upper extremity.
3. Abrasions and contusions of neck, shoulders, arms, and lower extremities.
4. History that the deceased was shot while being chased on foot by police.

**CONCLUSION:**

It is our opinion that Jesus Ortiz, a 22-year-old Latin male, died as the result of a gunshot wound of the trunk.

**MANNER OF DEATH:** Homicide.

**TOXICOLOGY:**

**Antemortem Blood:**

Alcohols and Acetone - negative.

**Postmortem Blood:**

Alcohols and Acetone - negative.  
Cannabinoid Screen - negative.  
Drug Screen - 0.040 mg/L morphine.

**Vitreous:** Alcohols and Acetone - negative.

Protocol typed by Ellen Christopher

*J. K. Townsend-Parchman*

J. K. Townsend-Parchman, M.D.  
Medical Examiner

*Jill E. Urban*

Jill E. Urban, M.D.  
Medical Examiner

*Lynn A. Salzberger*

Lynn A. Salzberger, M.D.  
Medical Examiner

*Joni L. McClain*

Joni L. McClain, M.D.  
Medical Examiner

*Sheila Spotswood*

Sheila Spotswood, M.D.  
Medical Examiner

*David Dolinak*

David Dolinak, M.D.  
Deputy Chief Medical Examiner

*Jeffrey J. Barnard*

Jeffrey J. Barnard, M.D.  
Chief Medical Examiner

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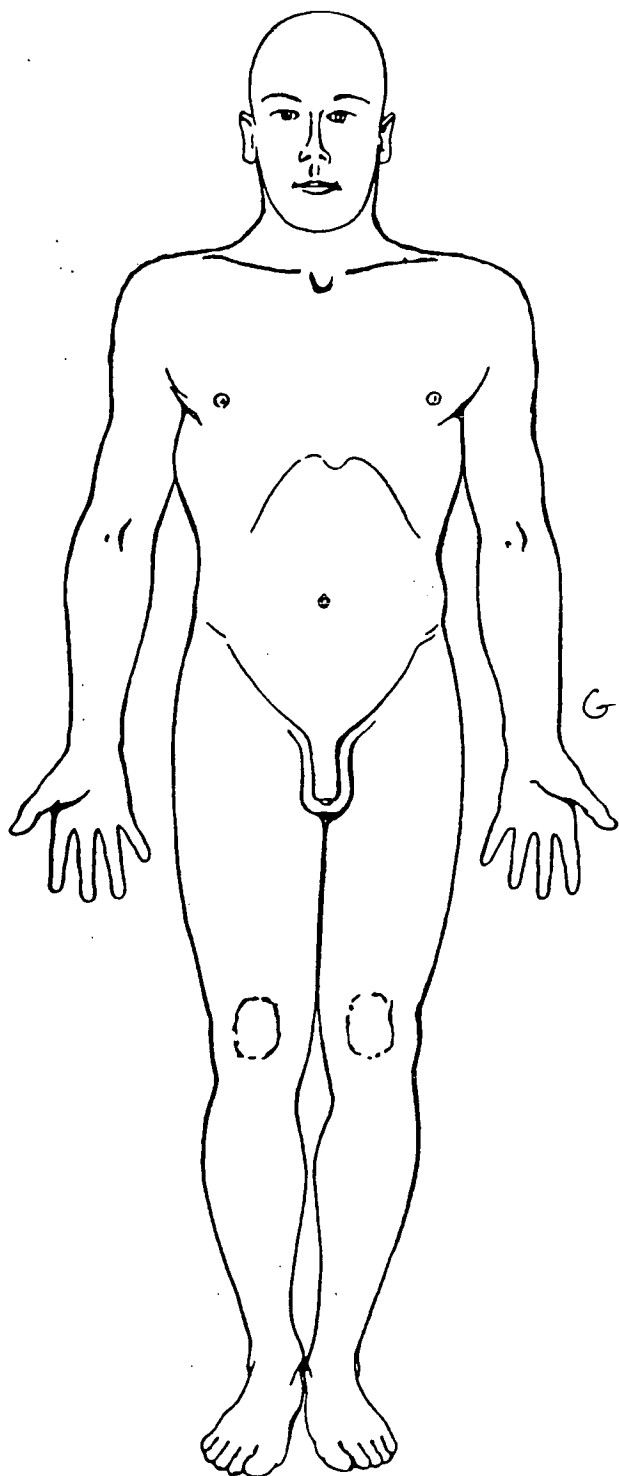
THE SOUTHWESTERN INSTITUTE OF FORENSIC SCIENCES  
AT DALLAS

Name ORTIZ, Jesus

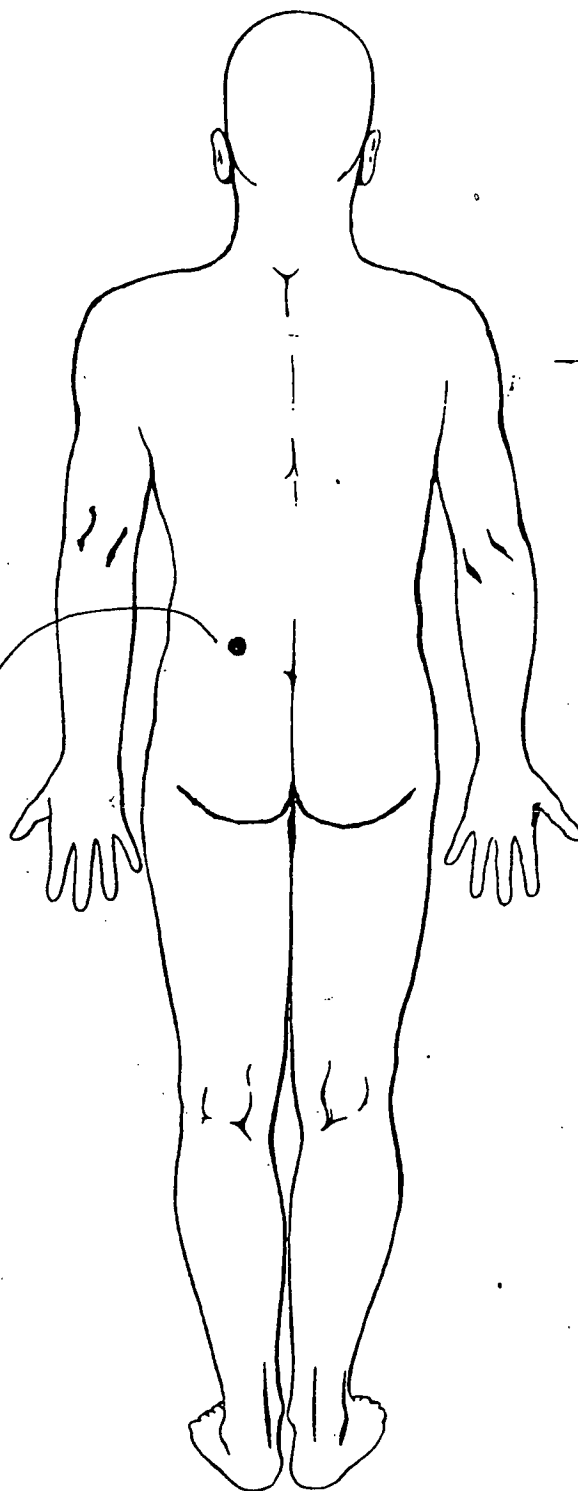
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DEFENSE'S EXHIBIT NO. 21

TYPEWRITTEN NOTES

*Belinda G. Baraka, Official Court Reporter*  
*214-653-5803*

COMPLAINANT:NIX

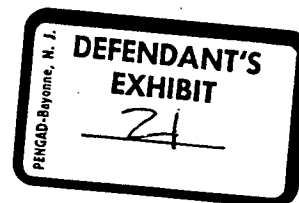
FOR DET. :Briseno

### INVESTIGATIVE INFORMATION

SUBMITTING OFFICER:JOHNSON      DATE03-25-07  
INFO OBTAINED VIA:INTERVIEW  
OBTAINED ON DATE:03-25-07      AT TIME:9:30.AM

TOPIC:O.I.S

NARRATIVE:WENT TO P.M.H #502N,AND INTERVIEWED RUIZ,WESLEY. UPON MY ARRIVAL I INTRODUCED MYSELF TO HIM. I ADVISED HIM THAT I WAS THERE TO TALK ABOUT THE SHOOTING HE WAS INVOLVED IN. I THEN READ HIM HIS MIRANDA WARNING. RUIZ STATED THAT THE OFFICERS GOT BEHIND HIM WITH THEIR LIGHTS ON WHEN HE WAS ON MOCKINGBIRD. RUIZ STATED THAT HE THEN STARTED TRYING TO GET AWAY FROM THE OFFICERS AND WRECKED OUT WHEN HE GOT TO WEST DALLAS. RUIZ STATED THAT HIS VEHICLE HIT A CURB AND THE OFFICERS RAN UP TO HIS VEHICLE AND BEGAN FIRING AT HIM. RUIZ DENIED FIRING AT OFFICERS AND STATED THAT HIS GUN WAS IN THE BACK SEAT IN A SACK. WHEN ASKED WHY HE WAS RUNNING FROM THE POLICE, RUIZ STATED THAT HE HAD RAN FROM THE POLICE THE DAY BEFORE IN OAK CLIFF WHEN HE WAS DRIVING A BLACK CAR. RUIZ STATED THAT HE WAS ENROUTE TO WEST DALLAS TO SELL THE GUN AND VEHICLE. WHEN I ASKED RUIZ FOR A WRITTEN STATEMENT HE REQUESTED TO SPEAK TO AN ATTORNEY. BOTH OF RUIZ'S ARMS WERE BANDAGED, ABRASIONS TO HIS FACE, AND A LARGE BANDAGE ON HIS ABDOMEN. RUIZ STATED HE WAS ALSO SHOT IN THE KNEE CAP. I CONTACTED SGT.SHAFFER IN THE JAIL AND ADVISED HIM THAT RUIZ WAS IN A ROOM.



Follow up required: Yes      No      Key words: \_\_\_\_\_  
Supervisor Approval: \_\_\_\_\_  
RUIZ.INTERVIEW.doc

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DEFENSE'S EXHIBIT NO. 22  
PURPOSED CHARGE



194TH JUDICIAL DISTRICT COURT  
DALLAS COUNTY, TEXAS

THE STATE OF TEXAS  
VS  
WESLEY LYNN RUIZ

\*  
\* CAUSE NO. F07-50318-M  
\*

CHARGE OF THE COURT

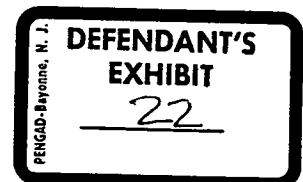
LADIES AND GENTLEMEN OF THE JURY:

The Defendant, WESLEY LYNN RUIZ, stands charged by indictment with the offense of capital murder, alleged to have been committed on or about the 23rd day of March, A.D., 2007, in Dallas County, Texas.

To this charge, the Defendant has pled not guilty.

Our law provides that a person commits murder if he intentionally or knowingly causes the death of an individual; or intends to cause serious bodily injury and commits an act clearly dangerous to human life that causes the death of an individual.

A person commits capital murder when such person intentionally causes the death of a peace officer who is acting in the lawful discharge of an official duty and whom the person knows is a peace officer.



A person acts intentionally, or with intent, with respect to a result of his conduct when it is his conscious objective or desire to cause the result.

A person acts knowingly, or with knowledge, with respect to a result of his conduct when he is aware that his conduct is reasonably certain to cause the result.

The term "individual" means a human being who has been born and is alive.

"Bodily injury" means physical pain, illness, or any impairment of physical condition.

"Serious bodily injury" means bodily injury that creates a substantial risk of death or that causes death, serious permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

"Deadly weapon" as used herein means anything that in the manner of its use or intended use is capable of causing death or serious bodily injury.

A "firearm" is a deadly weapon.

To warrant a finding that the defendant is guilty of capital murder, you must find from the evidence beyond a reasonable doubt that:

- 1) the defendant intentionally or knowingly caused the death of MARK NIX by shooting him with a firearm, a deadly weapon, and
- 2) at the time of the shooting, if any, the deceased, MARK NIX, was then and there a peace officer, and

3) the defendant then and there knew, at the time of the shooting, if any, that MARK NIX was a peace officer, and

4) at the time of the shooting, if any, the deceased was acting in the lawful discharge of an official duty.

If you should have a reasonable doubt as to the existence of any of the foregoing elements, then you cannot find the defendant guilty of capital murder.

In all criminal cases, the burden of proof is on the State. All persons are presumed to be innocent, and no person may be convicted of an offense unless each element of the offense is proved beyond a reasonable doubt. The fact that a person has been arrested, confined, or indicted for, or otherwise charged with, the offense gives rise to no inference of guilt at his trial. The law does not require a defendant to prove his innocence or produce any evidence at all. The presumption of innocence alone is sufficient to acquit the defendant, unless the jurors are satisfied beyond a reasonable doubt of the defendant's guilt after a careful and impartial consideration of all the evidence in the case.

The prosecution has the burden of proving the defendant guilty, and it must do so by proving each and every element of the offense charged beyond a reasonable doubt; and if it fails to do so, you must acquit the defendant.

It is not required that the prosecution prove guilt beyond all possible doubt; it is required that the prosecution's proof excludes all "reasonable doubt" concerning the defendant's guilt.

In the event you have a reasonable doubt as to the defendant's guilt after considering all the evidence before you, and these instructions, you will acquit the defendant and say by your verdict "not guilty."

You are instructed that if there is any testimony before you in this case regarding the defendant having committed offenses other than the offense alleged against him in the indictment in this case, you cannot consider said testimony for any purpose unless you find and believe beyond a reasonable doubt that the defendant committed such offenses, if any were committed, and even then you may only consider the same in determining the intent of the defendant and knowledge of the defendant, if any, in connection with the offense, if any, alleged against him in the indictment in this case, and for no other purpose.

It is a defense to this prosecution if the defendant's conduct was justified by law.

Under the law of self-defense, you are instructed that a person is justified in using force against another when and to the degree he reasonably believes the force is immediately necessary to protect himself against the other person's use or

attempted use of unlawful force.

The use of force against another is not justified in response to verbal provocation alone.

A person is justified in using deadly force against another if he would be justified in using force against the other person as above stated and, provided that a reasonable person in his situation would not have retreated, and when and to the degree he reasonably believes that deadly force is immediately necessary to protect himself against the other person's use or attempted use of unlawful deadly force.

The term "deadly force" as used herein means force that is intended or known by the defendant to cause, or in the manner of its use or intended use, is capable of causing death or serious bodily injury.

The term "reasonable belief" as used herein means a belief that would be held by an ordinary and prudent person in the same circumstances as the defendant.

When a person is attacked with unlawful deadly force, or he reasonably believes he is under attack or attempted attack with unlawful deadly force, and there is created in the mind of such person a reasonable expectation or fear of death or serious bodily injury, then the law excuses or justifies such person in resorting to deadly force by any means at his command to the degree that he reasonably believes to be immediately necessary, viewed from his standpoint at the time, to protect himself

from such attack or attempted attack.

It is not necessary that there be an actual attack or attempted attack, as a person has a right to defend his life and person from apparent danger as fully and to the same extent as he would had the danger been real, provided that he acted upon a reasonable apprehension of danger, as it appeared to him from his standpoint at the time, and that he reasonably believed such force was immediately necessary to protect himself against the other person's use or attempted use of unlawful deadly force.

Now, if you find from the evidence beyond a reasonable doubt that the defendant, WESLEY LYNN RUIZ, on or about the 23rd day of March, A.D., 2007, in the County of Dallas and State of Texas, did cause the death of MARK NIX, an individual, hereinafter called deceased, by shooting the deceased with a firearm, but you further find from the evidence that viewed from the standpoint of the defendant at the time, from the words or conduct or both of MARK NIX, it reasonably appeared to the defendant that his life or person was in danger and there was created in his mind a reasonable expectation or fear of death or serious bodily injury from the use of unlawful deadly force at the the hands of MARK NIX, and that acting under such apprehension, he reasonably believed that the use of deadly force on his part was immediately necessary to protect himself against MARK NIX'S use or attempted use of unlawful deadly force, and he caused the death of MARK NIX by shooting the

deceased with a firearm and that a reasonable person in the defendant's situation at that time would not have retreated, then you should acquit the defendant on the grounds of self-defense; or if you have a reasonable doubt as to whether or not the defendant was acting in self-defense on the occasion and under the circumstances, then you should give the defendant the benefit of that doubt and say by your verdict "not guilty."

Now, if you find from the evidence beyond a reasonable doubt that the defendant, WESLEY LYNN RUIZ, on or about the 23rd day of March, A.D., 2007, in the County of Dallas and State of Texas, did unlawfully then and there intentionally or knowingly cause the death of MARK NIX, an individual, hereinafter called deceased, by shooting the deceased with a firearm, a deadly weapon, and the said deceased was a peace officer, namely: a Dallas Police Officer then and there acting in the lawful discharge of an official duty, and the said defendant then and there knew the said deceased to be a peace officer, then you will find the defendant guilty of the offense of capital murder, as charged in the indictment, and you will make no finding in your verdict as to punishment.

In the event you have a reasonable doubt as to the defendant's guilt after considering all the evidence before you, and these instructions, you will acquit the defendant and say by your verdict "not guilty."

You are instructed that you may consider all relevant facts and circumstances surrounding the killing, if any, and the previous relationship existing between the accused and the deceased, together with all relevant facts and circumstances going to show the condition of the mind of the accused at the time of the offense, if any.

The Grand Jury indictment is the means whereby a defendant is brought to trial in a felony prosecution. It is not evidence of guilt nor can it be considered by you in passing upon the question of guilt of the defendant. The burden of proof in all criminal cases rests upon the State throughout the trial and never shifts to the defendant.

You are the exclusive judges of the facts proved, of the credibility of the witnesses and the weight to be given their testimony, but the law you shall receive in these written instructions, and you must be governed thereby.

After you retire to the jury room, you should select one of your members as your Presiding Juror. It is his or her duty to preside at your deliberations, vote with you, and when you have unanimously agreed upon a verdict, to certify to your verdict by using the appropriate form attached hereto and signing the same as Presiding Juror.



During your deliberations in this case, you must not consider, discuss, nor relate any matters not in evidence before you. You should not consider nor mention any personal knowledge or information you may have about any fact or person connected with this case which is not shown by the evidence.

No one has any authority to communicate with you except the officer who has you in charge. Do not attempt to talk to the officer who has you in charge, or the attorneys, or the Court, or anyone else concerning any questions you may have.

Your sole duty at this time is to determine the guilt or innocence of the defendant under the indictment in this cause and restrict your deliberations solely to the issue of guilt or innocence of the defendant.

Following the arguments of counsel, you will retire to consider your verdict.

---

ERNEST B. WHITE, III, Judge Presiding

VERDICT FORMS

We, the Jury, find beyond a reasonable doubt that the Defendant,  
WESLEY LYNN RUIZ, is guilty of the offense of capital murder as  
charged in the indictment.

\_\_\_\_\_  
PRESIDING JUROR

\_\_\_\_\_  
(PRINTED NAME)

OR

We, the Jury, find the Defendant, WESLEY LYNN RUIZ, not guilty.

\_\_\_\_\_  
PRESIDING JUROR

\_\_\_\_\_  
(PRINTED NAME)

## AFFIDAVIT IN ANY FACT

THE STATE OF TEXAS §

COUNTY OF DALLAS §

BEFORE ME, MARIA E. VARKER

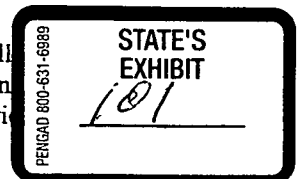
On this day personally appeared Raquel Sosa, DOB 7-6-86,  
11808 Crumpton Dr., Batch Spring, Tx 75180, 972-557-6949.

Who, after being by duly sworn, on oath deposes and says:

Friday night around 10:30 P.M., Jesus Ortiz  
Came by my house at 11808 Crumpton Dr. He  
asked if I wanted to go for a drive with  
him. I said yes and I said I would  
drive. While Jesus was at my door, I  
saw an injury on his left wrist. The  
injury was an open cut and it was bleeding.  
He told me that something had happened earlier,  
but he did not explain anything. I asked  
him if we should stop at Eckerd's for Peroxide  
for the cut and he said yes. We were now in  
OAK Cliff close to an Eckerd's at 12th Street  
and Crumpton when police officers were already  
behind us. I had a strange feeling about this

Raquel Sosa  
(SIGNATURE OF PERSON MAKING STATEMENT)

"I, Maria Varker, Badge Number 4502, a police officer for the Dallas  
Department, as described in Article 2.12(3) of the Texas Code of Criminal Procedure, have administered  
the above noted individual while in the performance of my assigned duties, as authorized by Section 2.12(3)  
of the Texas Government Code."



SWORN AND SUBSCRIBED BEFORE ME THIS 22 DAY OF June, 2002

CONFIDENTIAL

Maria E. Varker  
(POLICE OFFICER'S SIGNATURE)

## AFFIDAVIT IN ANY FACT

THE STATE OF TEXAS §

COUNTY OF DALLAS §

BEFORE ME, MARIE VARKER

On this day personally appeared Continue

Raquel Sosa

Who, after being by duly sworn, on oath deposes and says:

So before reaching Hampton I took the right side lane and the police officers were still behind us. The officers turned their red lights on us and I asked Jesus if we should stop or go. We made the decision to go, so I sped off over the speed limit and didn't stop for the police. About two or three minutes later, after coming up to a stop sign, I stopped and we switched drivers. Jesus took over and he sped off and went faster than I did. We went down to a park and stopped there. We got out of the car and we ran off. I didn't see how many officers were behind us and I don't know if they said anything to us.

Raquel Sosa  
(SIGNATURE OF PERSON MAKING STATEMENT)

"I, Marie E. Varkey, Badge Number 4583, a police officer for the Dallas Police Department, as described in Article 2.12(3) of the Texas Code of Criminal Procedure, have administered this oath to the above noted individual while in the performance of my assigned duties, as authorized by Section 602.002(7) of the Texas Government Code."

SWORN AND SUBSCRIBED BEFORE ME THIS 22 DAY OF June, 2002

CONFIDENTIAL

Marie E. Varkey  
(POLICE OFFICERS SIGNATURE) rv

## AFFIDAVIT IN ANY FACT

THE STATE OF TEXAS §

COUNTY OF DALLAS §

BEFORE ME, MARIA VARLAN

On this day personally appeared - Continue -

Raquel Sosa

Who, after being by duly sworn, on oath deposes and says:

I kept falling on the ground because of I ~~was~~ was bare foot and didn't have shoes on. I left my flip-flops in the grass in the park. Jesus helped me get up whenever I fell on the ground and I tried to keep up with him. We ran through a <sup>small</sup> tunnel and came out and I fell again. I heard the cop coming and Chuy ran off. A female officer came upon me and told me to get up and go <sup>back</sup> through the tunnel and told me not to try and run. The male police officer <sup>was</sup> standing close to me when I heard about seven shots fired. I didn't see the shooting and I don't know who shot first. I didn't think that "Chuy" had a gun on him.

Raquel Sosa  
(SIGNATURE OF PERSON MAKING STATEMENT)

"I, Maria Varlan, Badge Number 4583, a police officer for the Dallas Police Department, as described in Article 2.12(3) of the Texas Code of Criminal Procedure, have administered this oath to the above noted individual while in the performance of my assigned duties, as authorized by Section 602.002(7) of the Texas Government Code."

SWORN AND SUBSCRIBED BEFORE ME THIS 22 DAY OF June, 2002

CONFIDENTIAL

Maria Varlan  
(POLICE OFFICERS SIGNATURE)

## AFFIDAVIT IN ANY FACT

THE STATE OF TEXAS §

COUNTY OF DALLAS §

BEFORE ME, MARIA VARKER

On this day personally appeared Raguel Sosa

- CONTINUE -

Who, after being by duly sworn, on oath deposes and says:

I didn't see "Chuy" with a gun that evening and I thought that the officer was the only one shooting. They took me to a police car and I stayed there for 15 minutes. The officer told me that "Chuy" had been caught. I was told by plain clothes officer that "Chuy" had been shot. I saw <sup>one</sup> Chuy's family at. I saw Chuy's brother close to the ambulance and he followed the ambulance to the hospital. I was not with Chuy during the day and I don't know anything about what happened before he picked me up that night. I call Jesus by nickname of "Chuy".

Raguel Sosa  
(SIGNATURE OF PERSON MAKING STATEMENT)

"I, Maria Varker, Badge Number 4583, a police officer for the Dallas Police Department, as described in Article 2.12(3) of the Texas Code of Criminal Procedure, have administered this oath to the above noted individual while in the performance of my assigned duties, as authorized by Section 602.002(7) of the Texas Government Code."

SWORN AND SUBSCRIBED BEFORE ME THIS 22 DAY OF June, 2002

CONFIDENTIAL

Maria Varker  
(POLICE OFFICER'S SIGNATURE)  
ATTACHED

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DEFENSE'S EXHIBIT NO. 23

HANDGUN

(NONREPRODUCIBLE)

*Belinda G. Baraka, Official Court Reporter*  
*214-653-5803*

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DEFENSE'S EXHIBIT NO. 24

12.44 MOTION FORM



THE STATE OF TEXAS

CAUSE NO. F \_\_\_\_\_ -

VS.

\_\_\_\_\_ DISTRICT COURT \_\_\_\_\_

\_\_\_\_\_ DALLAS COUNTY, TEXAS

**STATE'S MOTION TO FIND DEFENDANT GUILTY OF A STATE JAIL FELONY AND IMPOSE  
SENTENCE FOR A CLASS A MISDEMEANOR AS PROVIDED IN SECTION 12.44(A) OF THE  
TEXAS PENAL CODE**

TO THE HONORABLE JUDGE OF SAID COURT:

Comes now the District Attorney of Dallas County, Texas, by and through the undersigned Assistant District Attorney, and in the above cause would respectfully show that Defendant is charged herein with a State Jail Felony Offense, and moves the Court to consider the gravity and circumstances of this case and consider the history, character and rehabilitative needs of the defendant and upon finding the Defendant guilty of the State Jail Felony charges, impose a punishment for Class A misdemeanor as provided in Section 12.44(a) of the Texas penal Code.

Respectfully Submitted,  
Craig Watkins, District Attorney  
Dallas County, Texas

By: \_\_\_\_\_  
Assistant District Attorney

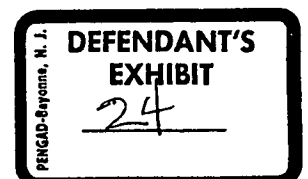
Comes now Defendant in the above cause, and agrees to the above Motion and moves the Court to find him guilty of a State Jail Felony as charged and impose punishment for a Class A Misdemeanor as provided in Section 12.44(a) of the Texas Penal Code

\_\_\_\_\_  
Attorney for Defendant

\_\_\_\_\_  
Defendant

The foregoing Motion is granted and the court find Defendant guilty of a State Jail Felony as charged herein and does impose sentence for a Class A Misdemeanor as provided in Section 12.44(a) of the Texas Penal Code.

\_\_\_\_\_  
Judge Presiding



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DEFENSE'S EXHIBIT NO. 26

PHOTOGRAPH

*Belinda G. Baraka, Official Court Reporter*  
*214-653-5803*



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DEFENSE'S EXHIBIT NO. 27

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PHOTOGRAPH

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*Belinda G. Baraka, Official Court Reporter*  
*214-653-5803*



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DEFENSE'S EXHIBIT NO. 28  
PHOTOGRAPH

*Belinda G. Baraka, Official Court Reporter*  
*214-653-5803*

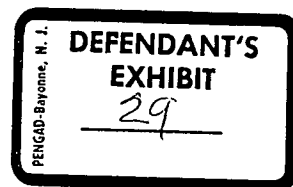


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DEFENSE'S EXHIBIT NO. 29  
PHOTOGRAPH

*Belinda G. Baraka, Official Court Reporter*  
*214-653-5803*





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DEFENSE'S EXHIBIT NO. 30  
PHOTOGRAPH

Exhibit 30



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DEFENSE'S EXHIBIT NO. 31

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PHOTOGRAPH

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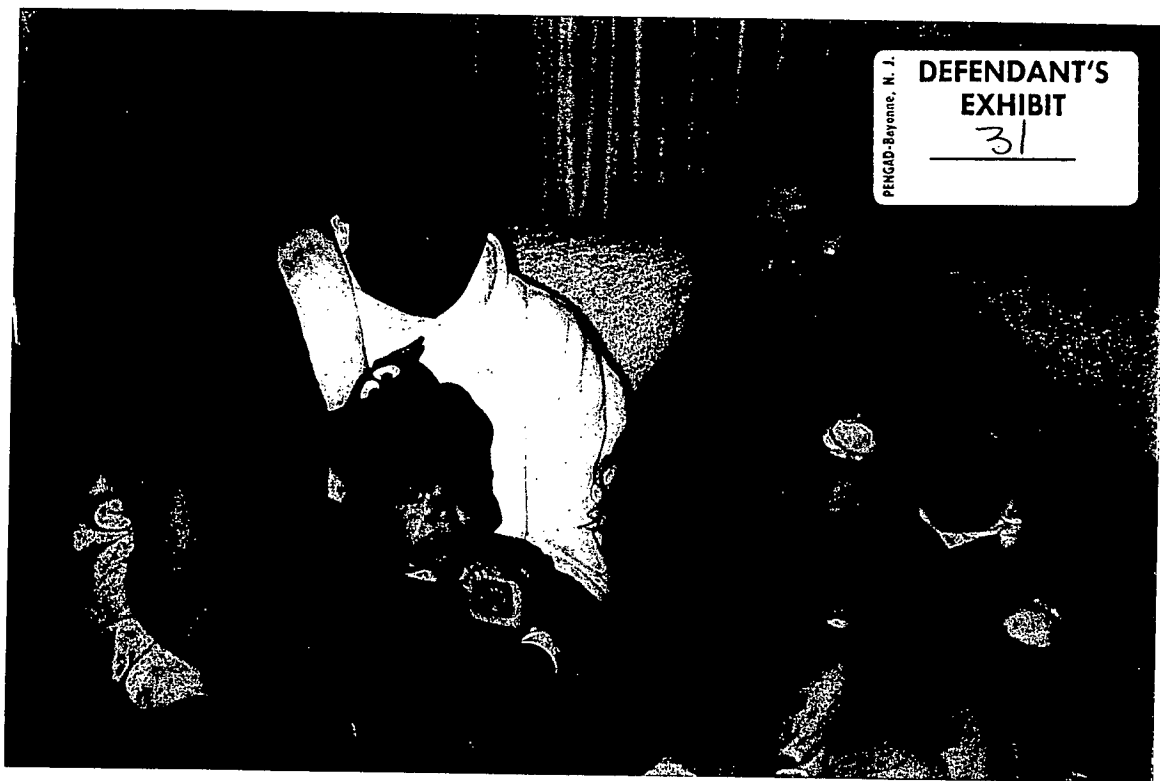
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*Belinda G. Baraka, Official Court Reporter*  
*214-653-5803*



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DEFENSE'S EXHIBIT NO. 32

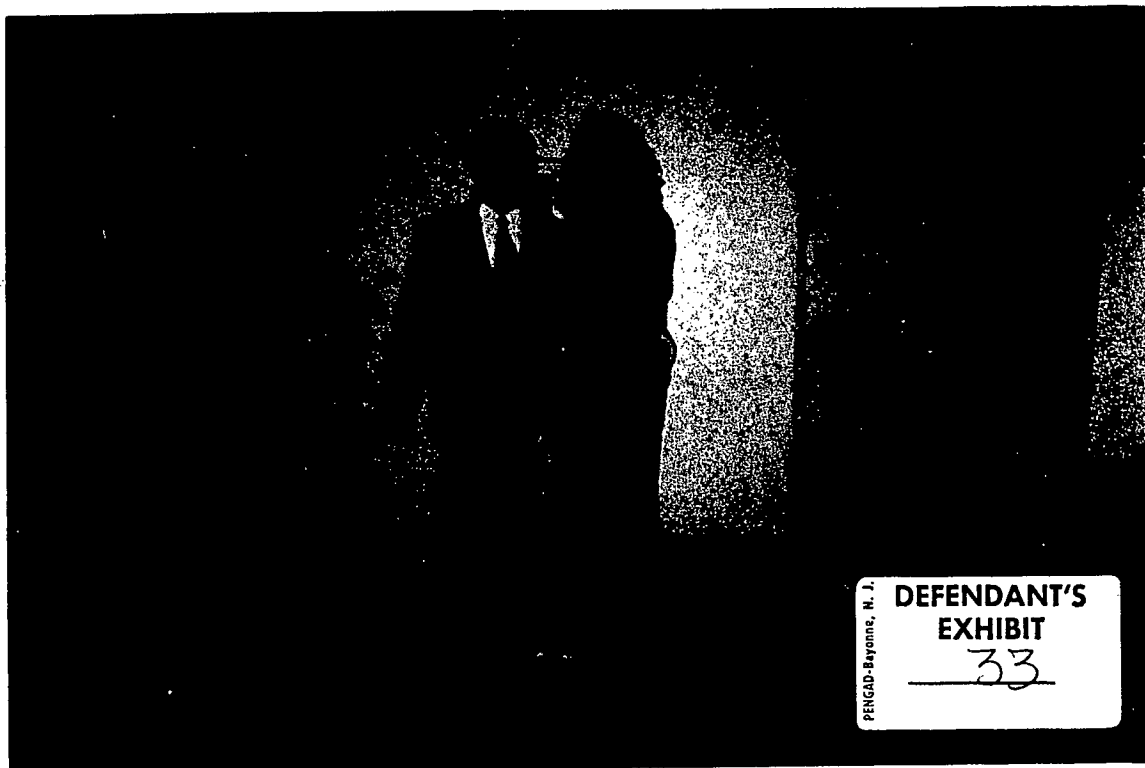
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DEFENSE'S EXHIBIT NO. 33  
PHOTOGRAPH





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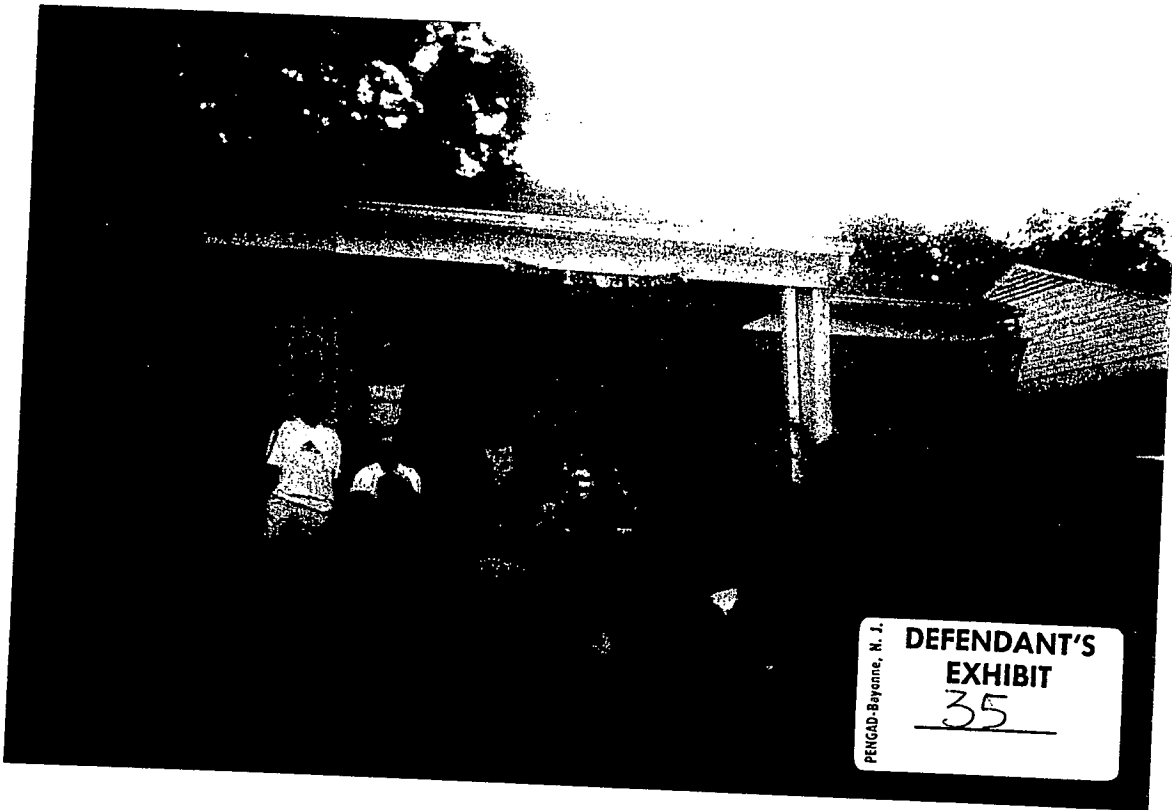
DEFENSE'S EXHIBIT NO. 34  
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DEFENSE'S EXHIBIT NO. 35

PHOTOGRAPH



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DEFENSE'S EXHIBIT NO. 36

PHOTOGRAPH

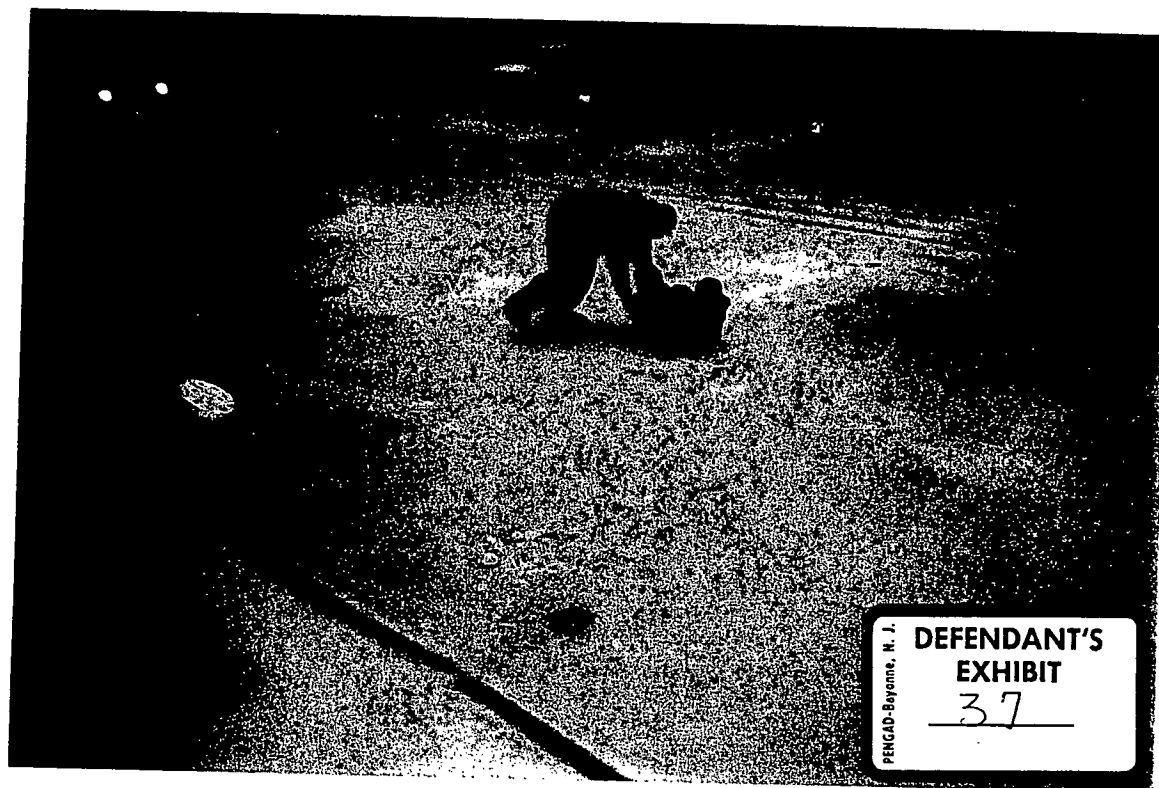
*Belinda G. Baraka, Official Court Reporter*  
*214-653-5803*



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DEFENSE'S EXHIBIT NO. 37  
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DEFENSE'S EXHIBIT NO. 38

PHOTOGRAPH

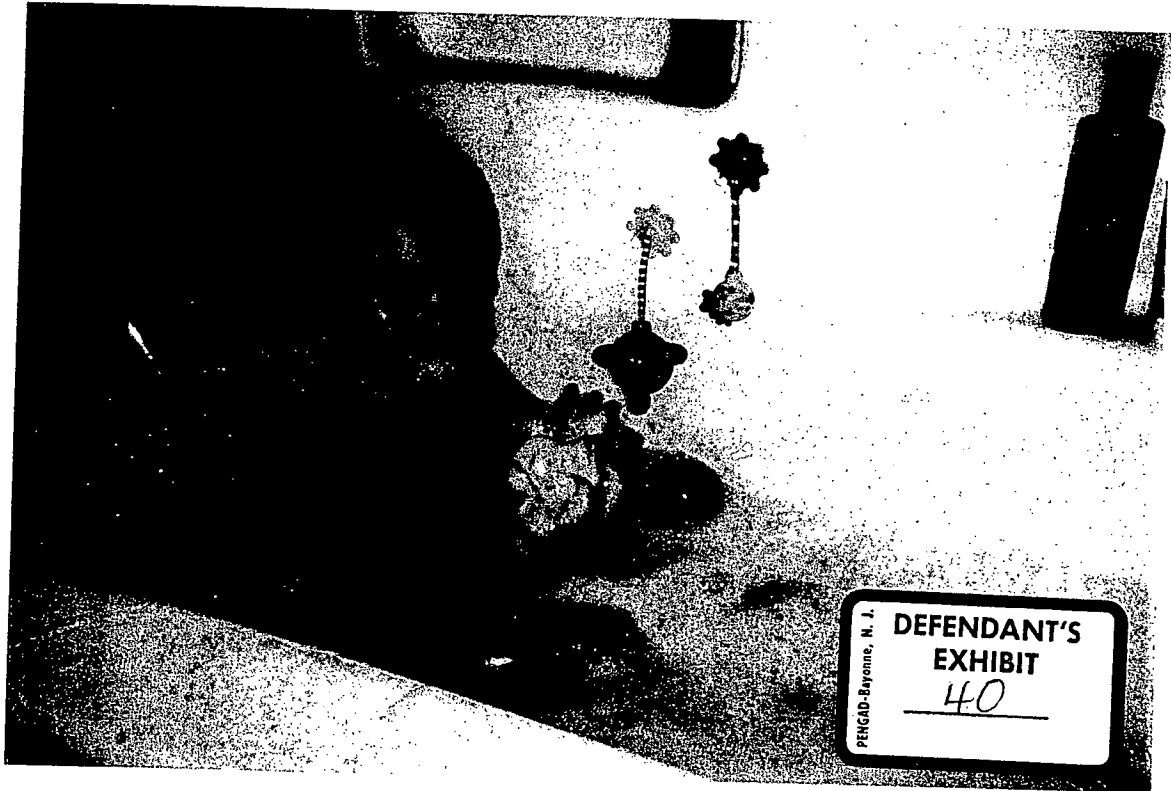


PENGAD-Bayonne, N. J.  
**DEFENDANT'S  
EXHIBIT**  
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DEFENSE'S EXHIBIT NO. 40

PHOTOGRAPH



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DEFENSE'S EXHIBIT NO. 41

PHOTOGRAPH

*Belinda G. Baraka, Official Court Reporter*  
*214-653-5803*



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DEFENSE'S EXHIBIT NO. 42  
PHOTOGRAPH

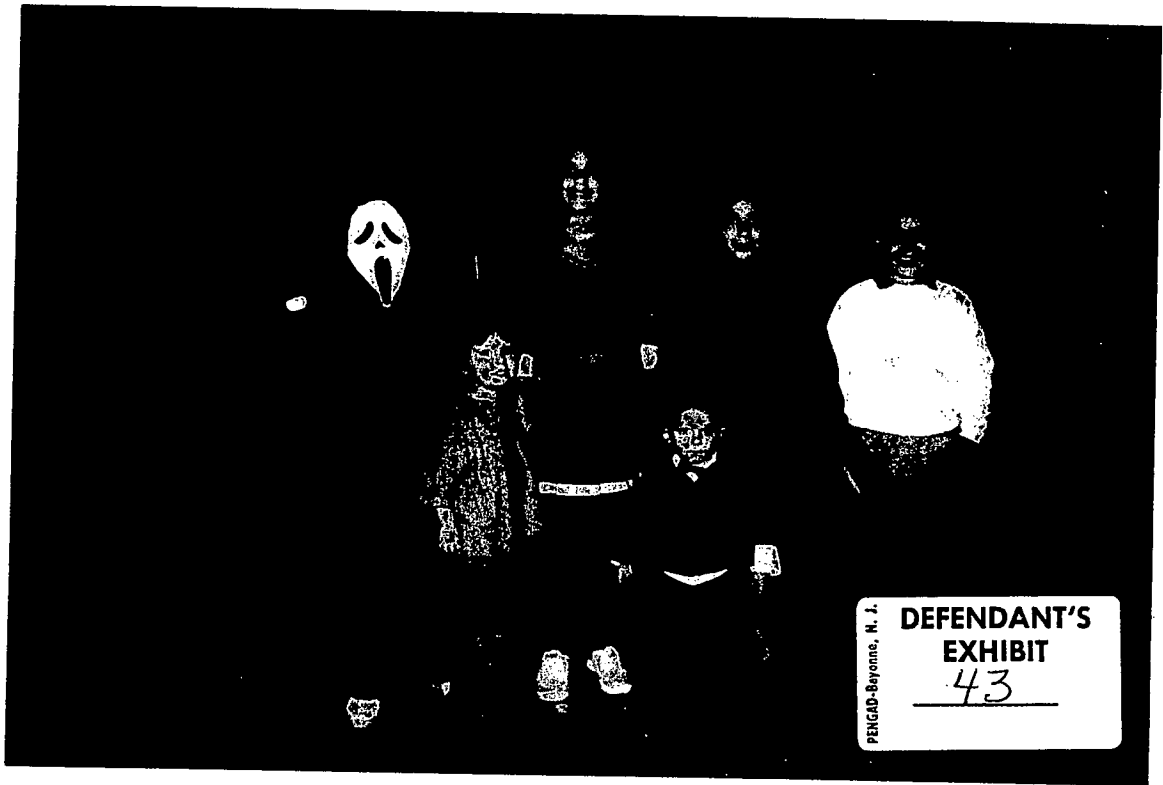




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DEFENSE'S EXHIBIT NO. 43

PHOTOGRAPH



Defense's 44

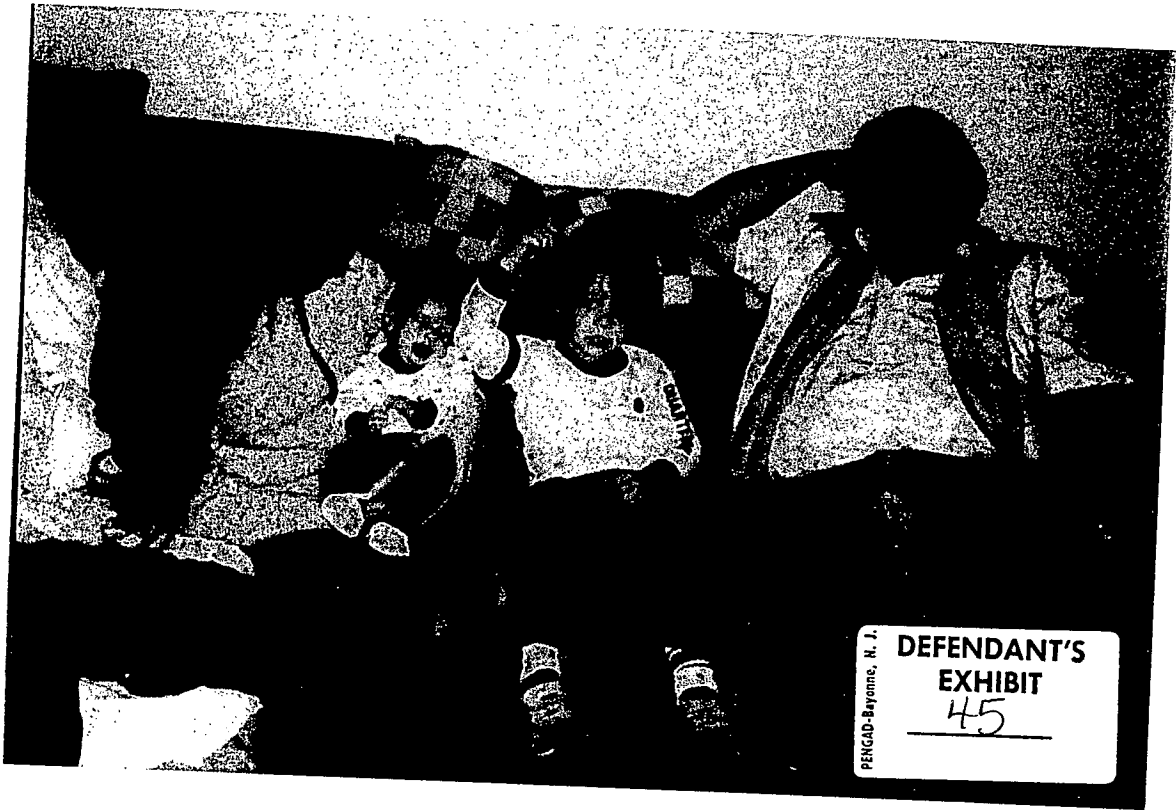
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DEFENSE'S EXHIBIT NO. 44  
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DEFENSE'S EXHIBIT NO. 45  
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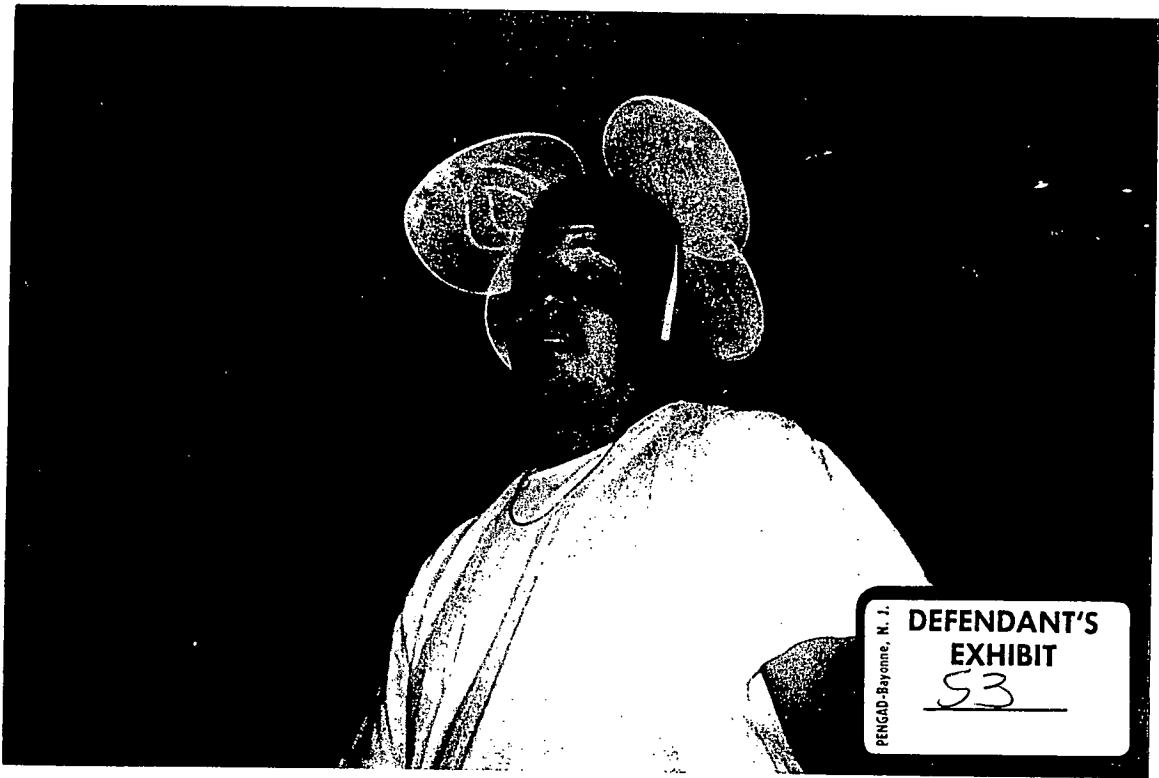
DEFENSE'S EXHIBIT NO. 46  
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DEFENSE'S EXHIBIT NO. 53  
PHOTOGRAPH



PENGAD-Bayonne, N. J.

DEFENDANT'S  
EXHIBIT

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DEFENSE'S EXHIBIT NO. 54

PHOTOGRAPH



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DEFENSE'S EXHIBIT NO. 55

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DEFENSE'S EXHIBIT NO. 56

PHOTOGRAPH

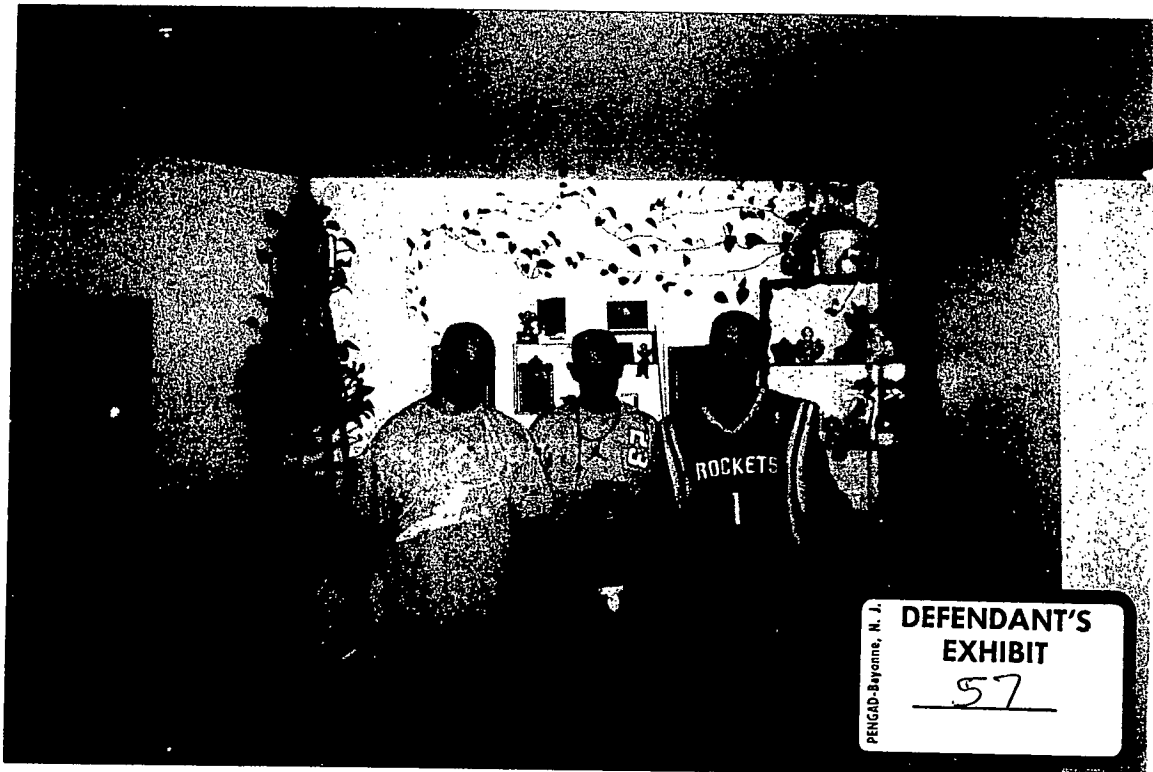




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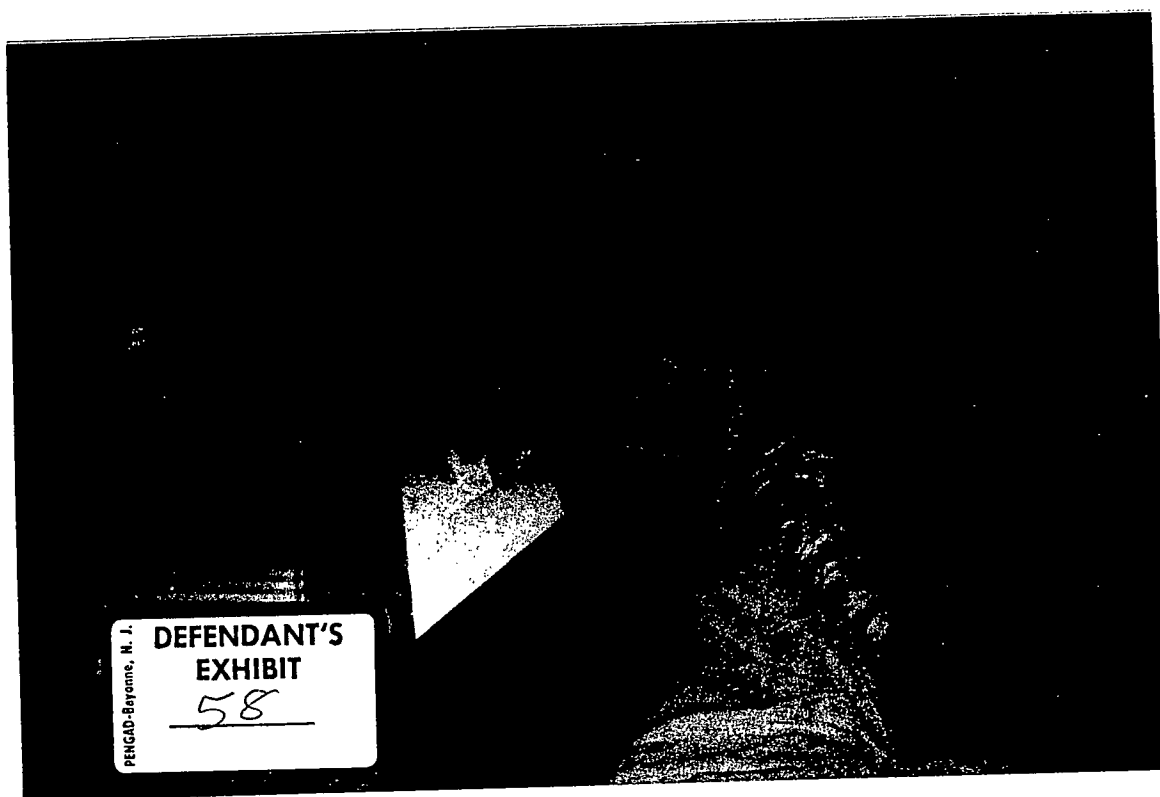
DEFENSE'S EXHIBIT NO. 57

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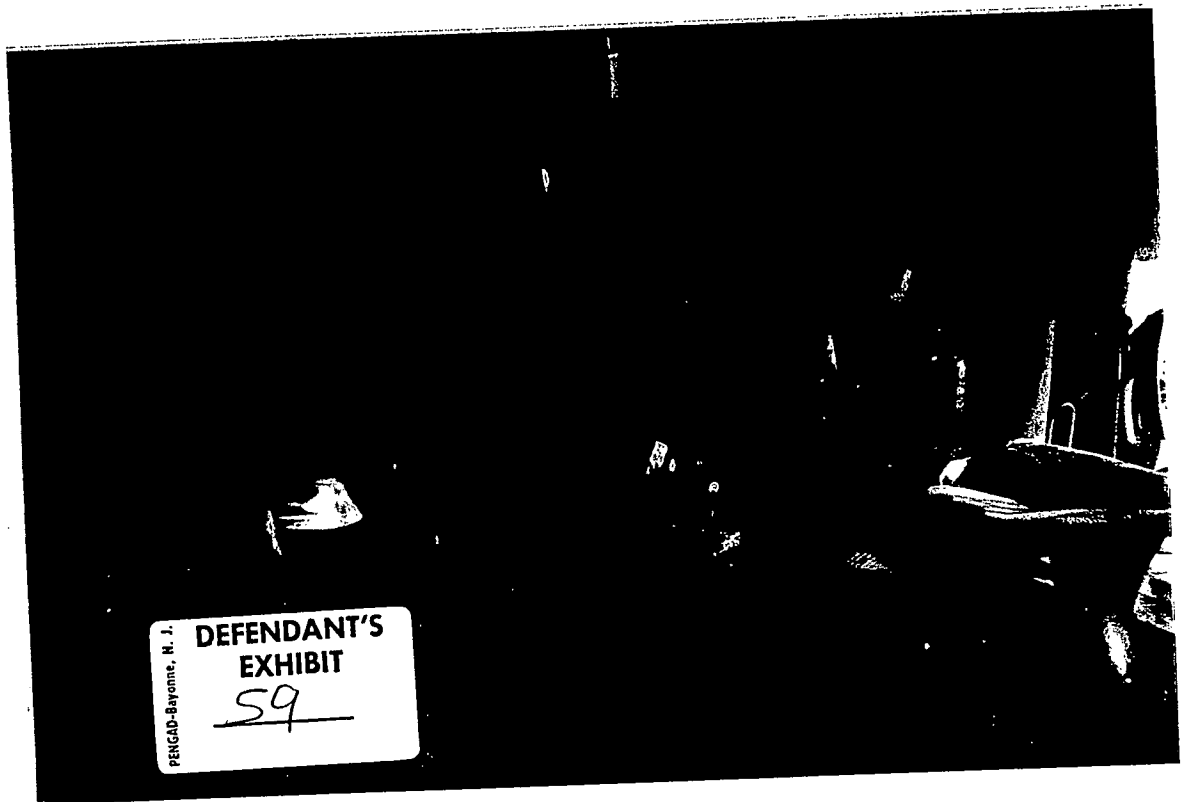
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DEFENSE'S EXHIBIT NO. 58  
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DEFENSE'S EXHIBIT NO. 59  
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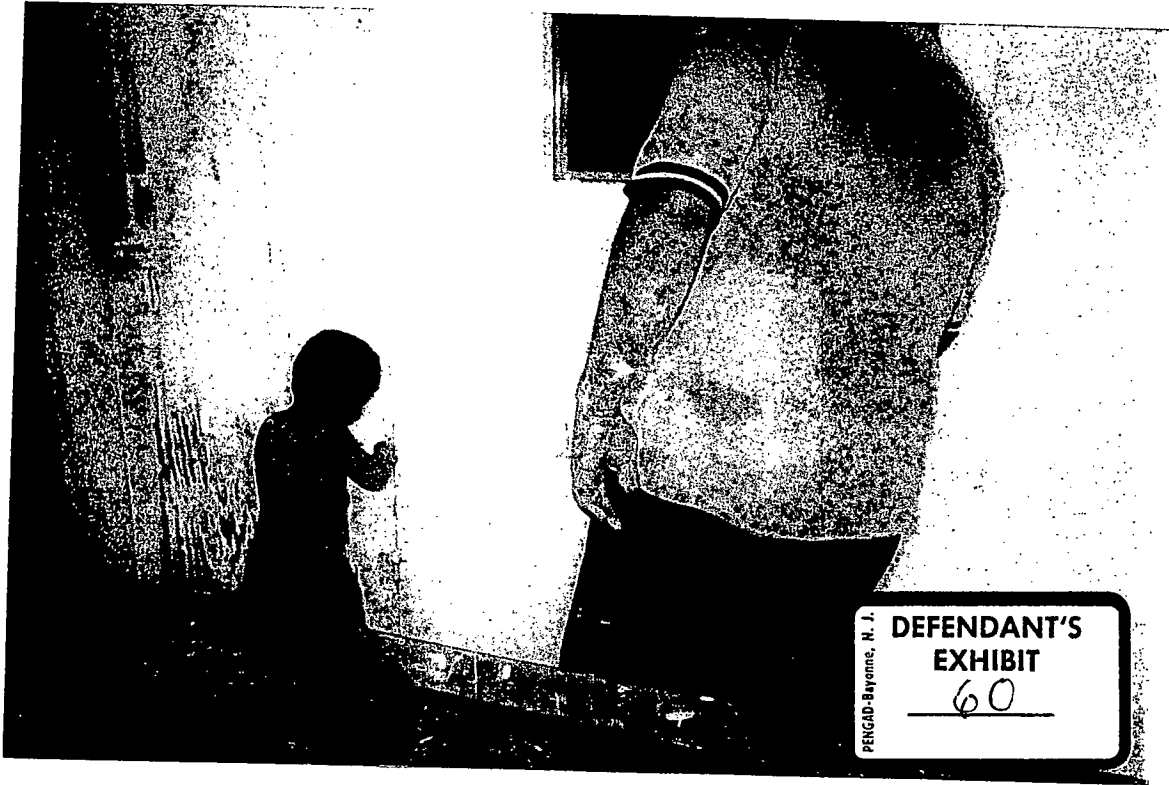


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DEFENSE'S EXHIBIT NO. 60

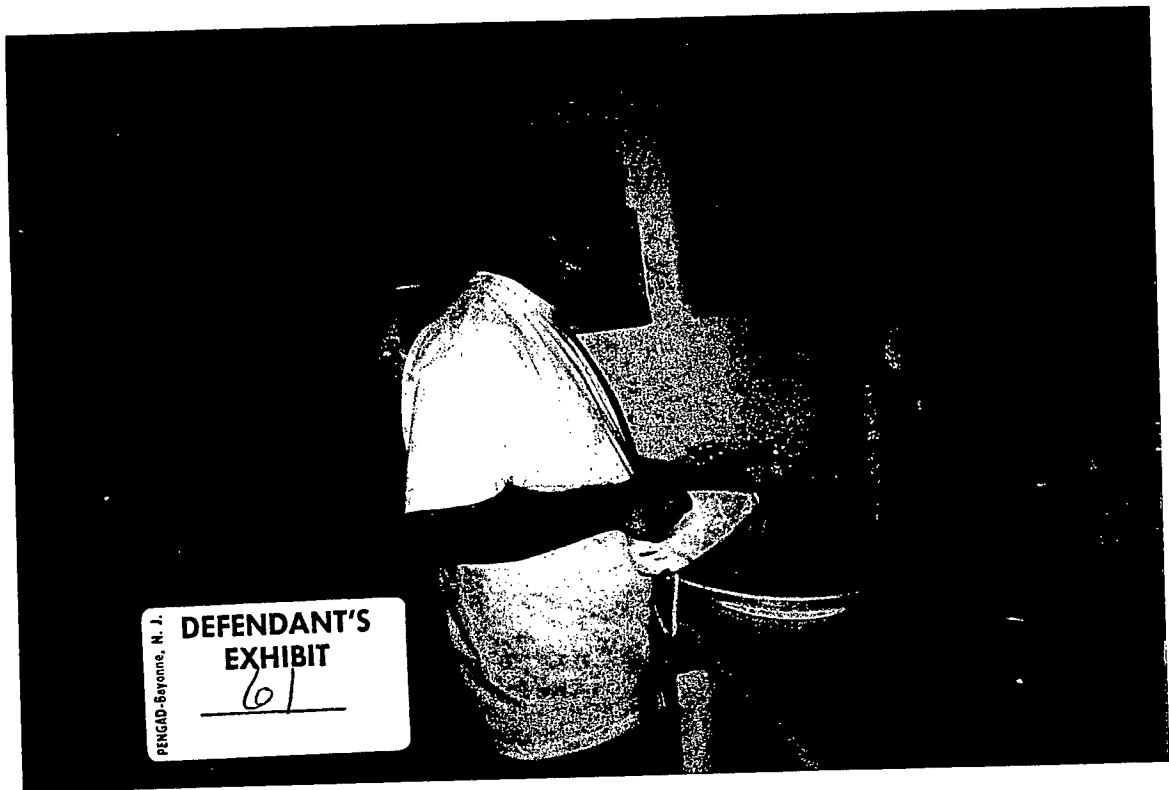
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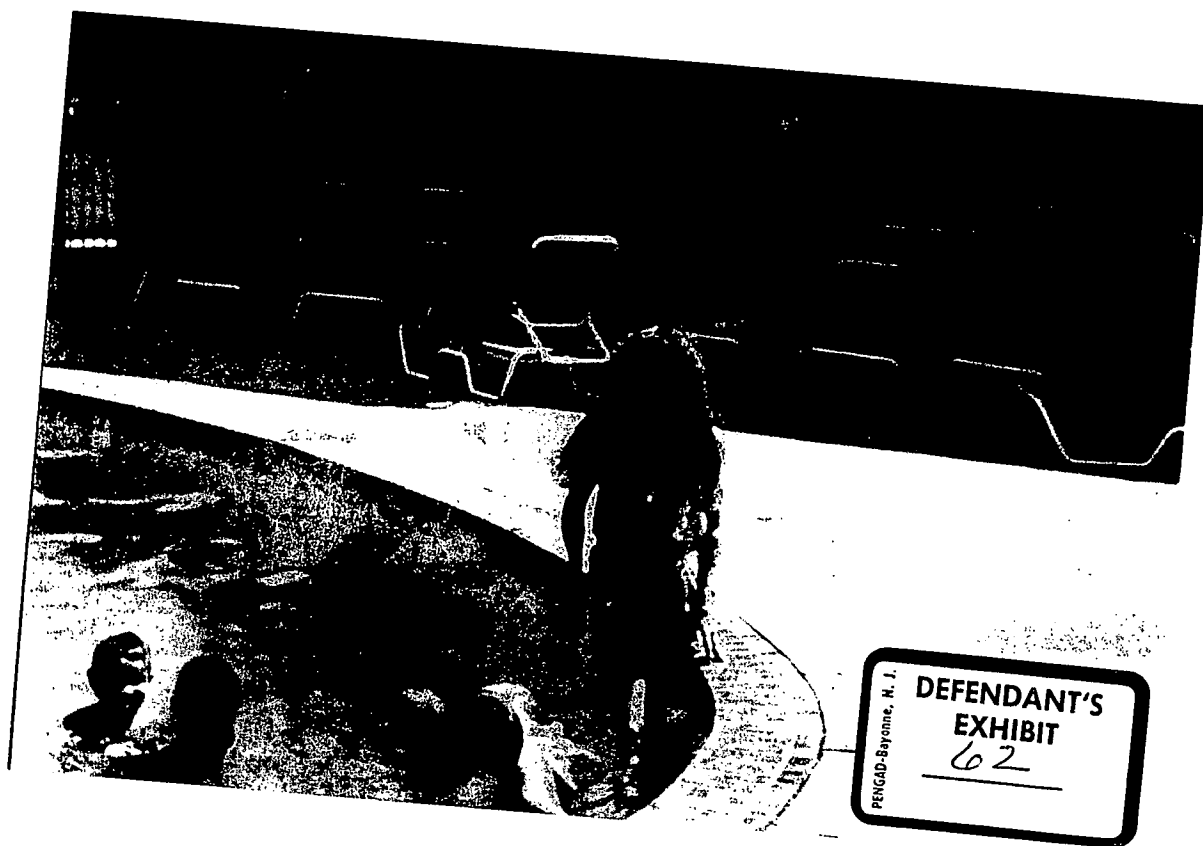
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DEFENSE'S EXHIBIT NO. 61  
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DEFENSE'S EXHIBIT NO. 62  
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DEFENSE'S EXHIBIT NO. 63

12.44 MOTION

Offense date 9/1/95

THE STATE OF TEXAS

§ CAUSE NO. FOJ-57476-1

V.

§ 194TH JUDICIAL DISTRICT COURT

Wesley Lynn Ruiz

§ DALLAS COUNTY, TEXAS

STATE'S MOTION TO FIND DEFENDANT GUILTY OF A  
STATE JAIL FELONY AND IMPOSE SENTENCE FOR A  
CLASS A MISDEMEANOR AS PROVIDED IN SEC. 12.44  
(a) OF THE PENAL CODE OF THE STATE OF TEXAS

Comes now the District Attorney of Dallas County, Texas, by  
and through the undersigned Assistant District Attorney, and in  
the above cause would respectfully show that the Defendant is  
charged herein with a STATE JAIL felony offense, and moves the  
court to consider the gravity and circumstances of this case and  
consider the history, character and rehabilitative needs of the  
defendant and upon finding the defendant guilty of the STATE  
JAIL felony charged, impose confinement for a Class A  
misdemeanor as provided in Section 12.44(a) of the Texas Penal  
Code.

Respectfully submitted, *[Signature]*

BILL HILL, District Attorney  
Dallas County, Texas

By: *[Signature]*  
Assistant District Attorney

Comes now the Defendant and agrees to the above Motion and  
moves the court to find him guilty of a STATE JAIL felony as  
charged and impose confinement for a Class A misdemeanor as  
provided in Sec. 12.44(a) of the Texas Penal Code.

*[Signature]*  
Attorney for Defendant

*[Signature]*  
Defendant

The foregoing Motion is granted and the court finds  
Defendant guilty of a STATE JAIL felony as charged herein and  
does impose sentence for a Class A misdemeanor as provided in  
Sec. 12.44(a) of the Texas Penal Code.



*[Signature]*  
JUDGE

Defense's 64

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DEFENSE'S EXHIBIT NO. 64

12.44 MOTION



Offense date 9/1/95

THE STATE OF TEXAS

§ CAUSE NO. F04-5862X M

V.

§ 194TH JUDICIAL DISTRICT COURT

Wesley Ruiz

§ DALLAS COUNTY, TEXAS

STATE'S MOTION TO FIND DEFENDANT GUILTY OF A  
STATE JAIL FELONY AND IMPOSE SENTENCE FOR A  
CLASS A MISDEMEANOR AS PROVIDED IN SEC. 12.44  
(a) OF THE PENAL CODE OF THE STATE OF TEXAS

Comes now the District Attorney of Dallas County, Texas, by  
and through the undersigned Assistant District Attorney, and in  
the above cause would respectfully show that the Defendant is  
charged herein with a STATE JAIL felony offense, and moves the  
court to consider the gravity and circumstances of this case and  
consider the history, character and rehabilitative needs of the  
defendant and upon finding the defendant guilty of the STATE  
JAIL felony charged, impose confinement for a Class A  
misdemeanor as provided in Section 12.44(a) of the Texas Penal  
Code.

Respectfully submitted, [Signature]

BILL HILL, District Attorney  
Dallas County, Texas

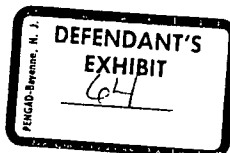
By: Jennifer Moore  
Assistant District Attorney

Comes now the Defendant and agrees to the above Motion and  
moves the court to find him guilty of a STATE JAIL felony as  
charged and impose confinement for a Class A misdemeanor as  
provided in Sec. 12.44(a) of the Texas Penal Code.

[Signature]  
Attorney for Defendant

[Signature]  
Defendant

The foregoing Motion is granted and the court finds  
Defendant guilty of a STATE JAIL felony as charged herein and  
does impose sentence for a Class A misdemeanor as provided in  
Sec. 12.44(a) of the Texas Penal Code.



[Signature]  
JUDGE

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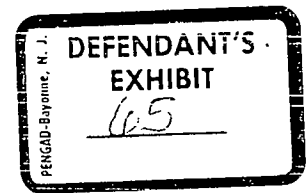
DEFENSE'S EXHIBIT NO. 65

E-MAIL

**From:** Maria Ross  
**To:** Sweet, Leslie  
**Date:** 7/10/2008 6:04:28 AM  
**Subject:** Re: Wesley Ruiz #07022486

No Disciplinary Record...

>>> Leslie Sweet 07/09/08 5:02 PM >>>  
any discipline ?



1 THE STATE of TEXAS )

2 COUNTY of DALLAS )

3  
4 I, BELINDA G. BARAKA, Official Court Reporter in  
5 and for the 194th Judicial District Court of Dallas  
6 County, State of Texas, do hereby certify that the  
7 exhibits included herein constitute true and complete  
8 duplicates of the original exhibits, excluding physical  
9 evidence, offered into evidence during the proceedings  
10 in the above-entitled and -numbered cause(s), as set out  
11 herein.

12 I further certify that the total cost for the  
13 preparation of this Reporter's Record is included in the  
14 original volume.

15 WITNESS MY OFFICIAL HAND this the 28<sup>th</sup> day of  
16 May, A.D., 2009.

17  
18 BG Baraka  
19 BELINDA G. BARAKA, CSR #5028  
20 Official Court Reporter  
21 194th Judicial District Court  
22 133 N. Industrial Blvd.  
23 Dallas County, Texas 75207

24  
25 Certification Expires: 12-31-09

*Belinda G. Baraka, Official Court Reporter*  
*214-653-5803*